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MASSACHUSETTS

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THE LOYAL PETITIONS OF 1666.

REMARKS

READ BEFORE

THE MASSACHUSETTS - HISTORICAL, SOCIETY, Property

June 11, 1891.

BY

WILLIAM S. APPLETON.

CAMBRIDGE:

JOHN WILSON AND SON.

Ambersity Press.

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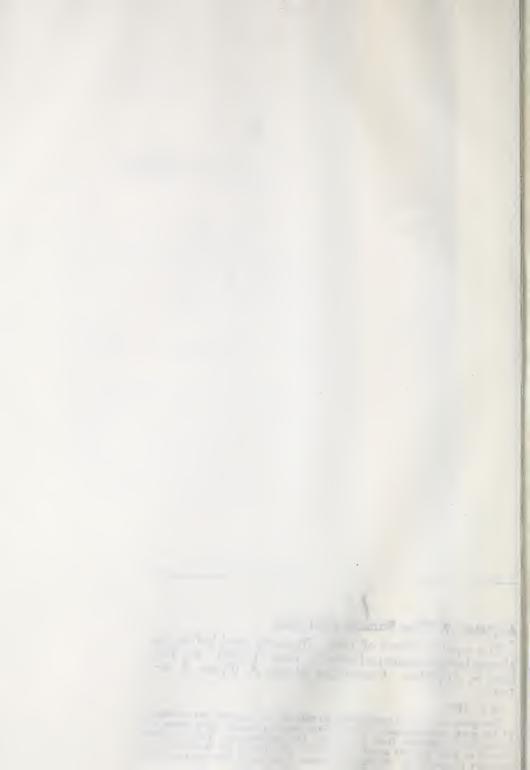
Appleton, William Sumner, 1840-1903.

The loyal petitions of 1666. Remarks read before the Massachusetts historical society, June 11, 1891. By William S. Appleton. Cambridge Mass. J. Wilson & son, 1891.

10 p. 24 cm.

The government of Massachusetts, by refusing to recognize the authority of the royal commissioners Nicolls, Carr and Cartwright, drew down on themselves a demand from the crown for explanation. The petitions alluded to were protests against the further decision of the General court to ignore this mandate. Appleton's purpose is to justify the signers of the

protests and title: Massachusetts historical pam-1. Massachusetts—Pol. & govt.—Colonial period.



THE LOYAL PETITIONS OF 1666.

MINORITIES, in religion, in politics, in science, have seldom gained much credit; and as a rule, have with difficulty obtained justice from their opponents at the time, and from historians afterward, unless events have clearly shown them to be right. There is one minority, in which I feel a strong personal interest, and whose case I have long wished to restate. It is that of 1666 in Massachusetts. It consisted of 171 persons, of whom I claim eight as ancestors; and the principal figure in it was John Appleton, a relative but not an ancestor.

In the summer of 1666 the authorities of Massachusetts received a letter from King Charles II. by Secretary Morrice, dated April 10. In it the king acknowledged the receipt of the Report of his Commissioners and the account sent to England by the Governor, and wrote that "it is very evident to his Majesty . . . that those who govern the collony of the Masachusets doe . . . beleive that his Majesty hath noe jurisdiction over them," and that therefore there was no right of appeal to his Majesty; he further recalled his Commissioners, and ordered the Governor and Council to send five or four persons to England, of whom Bellingham and Hathorn to be two; he ordered all persons imprisoned for petitioning the Commissioners to be set free, and the question of bounds to be reserved for his Majesty's determination.

The General Court met to consider this on September 11, and by way of preparation devoted the whole of the next fore-noon to prayer. The Court then approved a letter to Secretary Morrice, in answer to two separate letters from the king, declaring that reasons had been given (August 1, 1665) why they could not submit to the Commissioners, that they have nothing to add, and "therefore cannot expect that the ablest persons among us could bee in a capacity to declare our cause more fully." Palfrey rightly says that "This conclusion was

yet made to be a part of the

not reached with entire unanimity," and adds that "the sordid and short-sighted timidity of commercial politics interposed; for already there was commercial prosperity enough to conflict with the ancient strictness of public morality."

These fine-sounding words refer to the views of the minority: for the General Court at this same session had to deal with petitions from Boston, Salem, Newbury, and Ipswich, in which the petitioners "desire that seeing his Majestie hath already taken no little displeasure against us as if we disowned his Majesties jurisdiction over us, effectual care may be taken lest by refusing to attend his Majesties orders for clearing pretences unto right and favour in that particular, we should plunge ourselves into greater disfavour and danger"; suggest that "The doubtful interpretation of the words of a patent, which there can be no reason to hope should ever be construed to the divesting of a soveraign prince of his royall power over his naturall subjects and liege people, is too frail a foundation to build such a transcendent immunity and privilege upon"; and entreat "that application be made to his Majestie by meet persons immediately to be sent for that end, to clear the transactions of them that govern this colony from any such construction, least otherwise that, which duly improved, might have been as a cloud of the latter rain, be turned into that which in the conclusion may be more terrible than the roaring of a lyon."

This petition is printed, with no names attached, in Hutchinson's Collection of Original Papers, and with the signers' names among the Danforth Papers in Vol. XVIII, of the Publications of this Society; and Mr. Savage, for the Publishing Committee of that volume, gives as one reason for reprinting it, that in it "the minority of our fathers have exhibited so much good sense and sound policy." Two copies of it are among the English State Papers, bearing a note to the effect that because of it "those gentlemen received a severe check, the petition voted scandalous, they styled betrayers of the liberties of the country, are still reputed ill affected to the Government, and not suffered to be chosen into any office of magistracy." The number of signers was, from Boston, 26, Salem, 33, Newbury, 39, and Ipswich, 73, - which last I take to have been more than one fourth of the adult male inhabitants of the town. Palfrey calls the petition "unpatriotic,"

and is very sarcastic about the signers, saying: "Of those of them who can be identified, some were of that class, of persons who establish a certain consequence by building up fortunes, though their fabric would scarcely rise above the ground unless protected by the public spirit of the braver men whom they embarrass."

Anything more unjust has seldom been written in the name of history. The signers were neither actuated by fear for newly acquired wealth, nor by the timid conservatism of old age. All ranks and all ages were represented by the signers. Among those of Boston were John Winslow, Thomas Brattle, and Simon Lynde: among those of Newbury were Thomas Parker, John and Benjamin Woodbridge, William Gerrish, Richard, Percival and Samuel Lowle, Thomas Hale, Sen., Anthony and Abiel Somerby, Tristram Coffin, John Knight, Sen. and Jr., and Richard Knight; and those of Ipswich were headed by John Appleton, William Norton, George Gittings, John Baker, Sen., Francis Wainwright; while among them are found, generally more than once, the names of Denuison, Hubbard, Perkins, Rogers, Whipple, Kimball. But the best evidence of the character of the signers is seen in the vote of the General Court, which "finding that the peticoners doe therein unjustly charge, threaten, & reflect upon this Court, to the dishonor of the members thereof," ordered that Capt. William Gerrish of Newbury, Capt. John Appleton of Ipswich, Mr. Edmond Batter of Salem, Capt. Thomas Savage, Mr. Thomas Brattle, Mr. Habbacuck Glover, and Mr. Thomas Deane, all of Boston, "all of them principall persons in the said peticons, some of them persons in publicke trust, all save one freemen of this colony & members of churches, be by the secretary warned to attend this Court in October next, to answer for the same."

Two letters among the English State Papers testify to the same effect. Colonel Nicolls, one of the King's Commissioners, wrote to Secretary Morrice, Oct. 24, 1666: "Most of the considerable Merchants & men of estates in the countrey petitioned the generall Court to comply with His Ma^{tics} commands, but they are now to be question'd before another Court as seditious Persons." Samuel Mavericke wrote to Lord Arlington, August 25, 1668, saying that on August 6, 1666, the ship arrived with the King's letter, that the Council was not called

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together for six weeks, and that the General Court voted not to send Bellingham and Hathorne, "which when known, many of the considerablest persons within the government (some of them Deputyes of that Court and Captaines of Companyes) petitioned to the Court that his Ma^{tics} command might be obeyed; but in stead of granting their request they summoned them to appeare before them, where they receiv'd a sharp reproofe for their presumption as they termed it."

The General Court met again on October 10; and now we have a very curious fact. The Court approved exactly the same letter as before to Secretary Morrice, but only the first half of it, answering the earlier letter of the king, but making no reference at all to his Majesty's letter of April 10. Why this was done I cannot say. The printed "Calendar of State Papers" shows that the September letter was sent and received.

All the documents, which I have so far quoted, are in print; but the matter now becomes more personal, and I make use of manuscript papers at the State House, all in Vol. 106 of the Archives, being, so to speak, matters of secret session. On October 17 Capt. John Appleton appeared before the General Court, armed with the following document:—

The Answar of us whose names are hearcto Subscribed to what Is charged upon us by y honored Generall Court As by ther Summons Appeares.

(1) As to ye Substance & purport of ye petition for we' your petioners are In question they must proffess they neyther doe nor can dare recede from It. besides other obligations of contience & prudence Some of y' have taken ye oath of allegeance with many other ye members of ye honored General Corte Soe little while since cannot be forgotten by them nor can yt be of noe Signification to y' your petitioners can avouche yt according to ther Contiens And best perswasion ther reall desire of ye good of ye Generall Court & every Member of it, of ye whole Contry & Collony as of ye Continuance of or Libertys Granted by his Majestie in or Charter was ye Sole Reason why they have petitioned & upon ye Same Grounds cannot recall it.

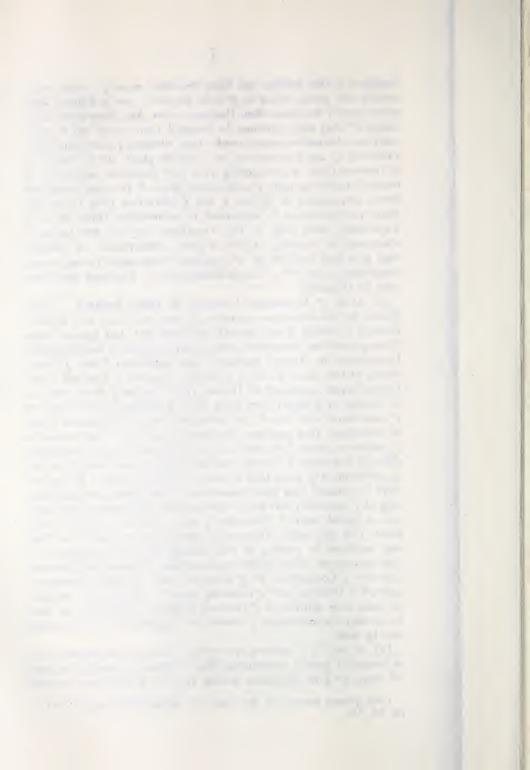
(2) Your petitioners doe most Seriousely profess it to be contrary to their Judgem^{nt} & intent in ther petition to cast any aspertion upon ye honored Generall Court or any member therof or to Express ye least disrespect or disafection to ye whole or any of it being sensible of ye duty to Authority And therfore pleade not Guilty as to their

dessighne in ther petition, yet being Seriouse: as to ye matter of ye petition and scoape therof as ye Case Requires: your petitioners were more Carefull theraboute then Curiouse as for Any Gramaticall Criticismes went they might presume the Generall Court would not be most observant of at such a tyme & in such a Case, whearein ye matter abundantly swallowes up any Circumstance and therfore pleade for ye Candor of ye Generall Court in over looking what your petitioners might not soe narrowly looke into upon ye acco! already given & that they would not Strein Expressions to Enforc a bad Construction from yen nor yet would your petitioners be understood to acknowledge Guilt As to ye Expressions more then in thir Intentions, they can but Guess at what maye be anything capable of harsh Interpretation & therfore shall give ther owne in all ye passages which maye to any seeme Suspitiouse upon wen ye Charge Conteined in ye Summons maye possibly Be Grounded.

(3) As to ye Expressions following viz Being Involved by ther Silence In the dangerouse mistakes of psons otherwise well mynded Inclined to unsafe if not disloyall principalls &ca And agayne desire yt noe pty will soe Irresistably carry on any dessighne of soe dangerouse Consequence In Answar heareunto your petitioners Crave ye mentioning of thos many petitions ye Scoape wheareof ye Generall Court Cannot forgett, presented In October 1664 besides ye fame ther was of Croudes of petitions then ready to be Exhibeted to this Court of ye same tennor with thos & your petitioners desire this honored Court to understand Thos passages mentioned or any of ye like nature in ye petition to have Reffrence unto such petitions or petioners whome although they honor & Respect yet they cannot concurr with ym in ther apprehension of ye psent Case & not to ye Generall Court; & that you maye be pleased with good Reason soe to understand your petitioners begg of ye honored Court not to allow such an interpretation of ye petition as should make it Controdict it selfe And to weigh with thos former this Expression Necessaryly referring to ye Courte viz That they would not be wanting in with holding any due Encouragemnt y their concurrence might afforde in soe ardnouse A matter your petioners Conceave a Concurrence with ye Generall Courte Intended is inconsistante wth A Charging of it or reflecting upon it. ffurther your petitioners make their address to ye Generall Courte as Supplicants & therfore it maye be improbable yt should be Charged on ym wch was sued unto by them.

[4] As to y' in y' petition upon w' y' Charge of threatening must be Grounded namely necessitating their brethren & Equally Engaged w' them, & You petitioners answar Is y' it is impropper for thos

¹ See printed Records of the Colony of Massachusetts, vol. iv. part ii. pp. 136, 137.



y^t speake Supplications to Intend threatenings y^e Sollicitouseness in y^e petion to avoide inconveniency not desired but y^t maye in case be Judged necessary is noe Comination; faithfull advertisem^{nts} of danger argues noe will o^t purpose of procuring but preventing it; you^t petioners in those words doe butt suppose what necessity y^e highest of Lawes maye Enforce & affirme what themselfes are unwilling to w^{ch} can be noe threatening You^t petioners with others need not have been at y^e trouble of troubling this honored Court but have waited y^e pecedings of it, and accordingly have acted privately in such a waye as Is specified withoute y^e proposing of such a danger to y^e Consideration of y^e Courte w^{ch} their Ingenuity & respect to y^e publique good & Intrest of y^e whole would not allow for w^{ch} you^r petitioners presume they may not suffer.

17 October 1666.

Capt. Jno Apleton Gave in this as his pticular Ans. tho it be writt in the plurall number it being so Intended then but now he gives it in his singular Capacity and to that he he desires to stand unto.

E. R. S.

The substance of the document is better than the spelling, to which I should be sorry to think that Captain Appleton would "stand unto." All the persons warned to attend were discharged, the Court ordering the papers to be put on file, but not recorded. This, however, was not quite the end. Capt. John Appleton retained the confidence of his fellow-townsmen at Ipswich so fully that they sent him Deputy to the General Court of May 15, 1667. He appeared to take his seat; but the next day the question of his right to it came up, and was the cause of three papers, all only found on file.

May 16, 1667. The deputyes of the gen¹¹ Court findinge Cap! John Appleton to be returned as a deputye for the Towne of Ipswich, & that upon his presentation thereunto, some question is made of his capacytic for that service, by reason of some expressions, in the petition by him signed the tendency whereof have manifestly breathed forth some unfaythfullnes to the Government here established, as by the generall courts result on examination thereof may appeare, & that in the managment thereof he hath not retracted the sd offensive expressions, but Justifyed himselfe under p'tence of his good Intentions, nor hath he here in the debate thereof taken any blame to himselfe, but rather Impute blame to this howse, Justifyinge himselfe in all by his good Intentions as afforesd, the p'mises considered, the deputyes doe hereby declare the sd Cap! Appleton to be no fitt Member of theire body, & that the freemen of Ipswich may on a legall warninge proceed to the choyce of

another, whereby the liberties of the freemen may not be Infringed nor the priviledges of this howse Invaded.

Voted by the deputs by way of answer to the freemen of Ipswich.

WILLIAM TORREY Cleric.

Capt. John Appleton had his "vindication" from his constituents, as follows:—

The humble Petition of the ffreemen of the Towne of Ipsw^{ch} to the honrd Gen^{ll} Court now assembled at Boston.

May it please this hon'd Court to understand that wheras according to or allowed prviledges and stated liberties, and in attendance unto. and prsuance of or lawes specified in the 25th page of or Booke of Lawes: Wee the ffreemen of Ipswch have orderly & formally Elected Cap! Jno Appleton (ffor that hee bath allwayes apprved himselfe unto us a Gentleman fully orthodox in his judgm! as to matters of favth and points of Religion, pfessed amongst us Right good, honest pious and prudent in his conversation true & firmly faithfull as to the interest of the Colony and Governmt therof) to negotiate for us in these publicke affaires wherin o'selves as others are concerned, as a member of ye. house of Deputyes, And wheras ye sayd Capt Appleton (allthough not forward yet) was pleased to Gratify us wth the susception of the burthen of such service & trust and accordingly to that End Repayred to ve Honrd Cort and was there disaccepted, and theuce dismissed unto or great grief (if not to o' damage, by virtue of the second Law referring to ye choyce of Deputies in the 25th page of ye booke) especially for that wee cannot understand what ye reasons of such rejection were, nor that it was ye act of the Cort entire according to wt is intimated as requisit in ye Law abovesd. Yor Petition, are bold humbly to crave of this hon'd Cort that ye sd Cap! Appleton may yet have his Admission as a member of the house of Deputies for us, therin to discharge the trust committed to him by us, But if there bee cause to ye contrary appearing to ye honrd Cort to whose determination wee are bound to submitt, Yet to ye End wee may not bee in any capacity of jealousyes (we'h wee would most Religiously decline) of any disregard to us, partiality or non attendance to ve Lawes established amongst us, that wee looke upon as or sanctuary of safety, & a mutuall bond unto all, weh upon no pretext, or interest w'ever, may be violate; Wee ffurther therefore most humbly entreat of this honrd Cort that y" would bee pleased to favor us, wth the information of the grounds of the procedure in this case, And vor petitioners shall be bound ever to pray &c.

Voted at a meeting of the ffreemen on the 27th of May 1667 that this petition be sent unto the Gen^{rii} Court. As attest ROBERT LORD clerke.

In Answ' to this Peticcon, The mag's App'hend its meet that Cap' Jno. Appleton be admitted or continued in his trust as a Deputy of this Court, in behalfe of the ffreemen of Ipswich, or that a just reason of his exclusion be rendred to the Court, that so there may be no just ground of dissattisfaccon given by this court to the freemen of this Jurisdiccon. The magist's have past this their brethren the deputy's hereto consenting.

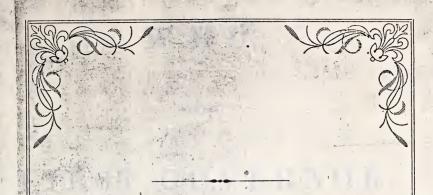
Edw. Rawson, Secret.

The deputyes consent not hereto

WILLIAM TORREY Cleric.

28:34 67.

I find nothing more relating to the case, and think that Capt. John Appleton was allowed to retain his seat, though I cannot positively say so. If not, his name would hardly have been left on the roll of Deputies, where it certainly is. The incident, however, was thought of sufficient importance to be mentioned by Samuel Mavericke in a letter to Lord Arlington, Oct. 16, 1667. Writing of the session of the General Court, he says: "The first act they did was the expelling Captⁿ Appleton of Ipswich who was chosen Deputy for that Towne; the crime laid to his charge was the subscription (to) that Loyall Peticon presented to the last Court of which coppies have been sent to your Lord?" If he failed to approve himself to Dr. Palfrey the historian, he yet was held in high esteem by Samuel Sewall the diarist, who wrote thus: "1699. Seventh-day, Nov' 4. Capt. Apleton of Ipswich dies. He was an Israelite indeed a great Ornament of ye Ch. & Town. Died of ye Jaundies. 77 years." Of course this incident is not one of great importance in the history of Massachusetts; but I think it is of some interest as bringing together the king, the Colony, the General Court, the freemen of a town, and a single deputy, each and all, as by a common impulse, resisting real or fancied invasion of those rights which were regarded as of too much value to allow the least suspicion of infringement or change. I have thought it worthy of a hearing by this Society for this reason, as well as because of the opportunity of putting in print three documents from the rich and valuable archives at the State House, now exposed to all the risks inseparable from ancient manuscript volumes.



WHO

WAS THE

FIRST GOVERNOR

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MASSACHUSETTS?

NEWBERRY LIBRARY CHICA O





WHO

WAS THE

FIRST GOVERNOR

OF

-

MASSACHUSETTS?

BY JOSEPH B. FELT.



Veritatis simplex oratio est .- SENECA.

Shall truth fail to keep her word,
Justice divine not hasten to be just?

MILTON.

BOSTON:

PRESS OF T. R. MARVIN, 42 CONGRESS STREET. 1853.

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DESIGNATION OF THE PERSON NAMED IN

(3902.) In the "Records of Massachusetts" it says John Endicott was chosen governor of Massachusetts April 30, 1629, and John Winthrop May 16, 1631. In Lippincott's "Pronouncing Biographical Dictionary" it says John Endicott chosen governor of Massachusetts 1644, and John Winthrop elected governor of the colony of Massachusetts in 1629. Will some one please tell me which is correct, and who was the first governor of Massachusetts?

J. L. T.

[Matthew Cradock was chosen governor of the Massachusetts colony in 1628 by the members of the Massachusetts Company in England, but never came to this country. At that time Roger Conant was acting in that capacity in the colony, though never commissioned. In June of the same year Captain John Endicott was sent here to act as governor, and was legally clothed with that of fice. Oct. 20, 1629, John Winthrop was appointed governor, and sailed for New England, where he arrived in June, 1630. This is on the authority of Drake.]



WHO WAS THE FIRST GOVERNOR

OF

MASSACHUSETTS?

To differ in opinion, on this or other topics of inquiry, especially with those noted for their talents and acquirements, is always attended with unpleasant associations and feelings. Still it is the lot of human imperfection, and unavoidable in the discussion of sentiments and opinions honestly entertained.

The occasion of the question just submitted is a note recently published by the Hon. James Savage, in his second edition of Winthrop's Journal. This note is printed on pages 200 to 203 inclusive, of the second volume. It contains an argument against some remarks in the first volume of the Annals of Salem, which advocate the position that Endicott preceded Winthrop as the proper Governor of this Commonwealth. It advances and debates two prominent ideas, which, as the writer thinks, call for examination. One is, that the comparison between the source of Carver's trust as chief magistrate of Plymouth Colony, and that of Endicott's, is incorrect. Another, that because the latter person held office under those of the Company of Massachusetts, who resided in England, he was, therefore, no Governor, in 1629, in the right acceptation of the word.

We will endeavor to take a fair view of these two subjects, in the order already presented.

With regard to the comparison, the maker of it intended by it neither more nor less, than relative authority for offices, designated by the like names. His language was: "The rule,

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which required John Carver to be accounted Governor of Plymouth, gives Mr. Endicott similar precedency to Mr. Winthrop." That we may perceive more fully the force of this remark, we will glance at the newly arrived Pilgrims on the coast, which they concluded to adopt as their refuge from the trials of the Old World. They had no more authority for their plantation, government and protection, than the Patent, received from the Company of North and South Virginia, by John Wincob in his own name, who, to their deep regret, was unable to take passage with them. The main cause of their having no better warrant to occupy territory on our shores, was the opposition of the King and his prominent supporters, to the encouragement of dissenters in any part of his dominions. Such a document was no more available for their purposes, than the subsequent one, taken out by John Pierce, and termed a "Deed Pole," from the Company of New England, and sold by him, at an exorbitant advance, to the adventurers for the Colony, in 1623, after he had unsuccessfully striven to hold the settlers here as tenants at his will. It was of less force and worth than the Patent, obtained from the same authorities, in 1630, which the rulers of Plymouth Plantation considered—as is plain from their several earnest petitions to the throne, until the Usurpation—as not near so valuable for securing their privileges, as the Charter of our Commonwealth, under the directions of which Endicott was elected Governor in 1629.

The intimation, that the contract, signed by Carver and his associates, was sufficient to endow him with the full honor and responsibilities of a chief magistrate, while the instrument, which authorized Endicott to sustain a similar relation to the people with him, could not place him upon an equal footing with the former, may be judged of by the conduct of the The anxious and protracted efforts, Pilgrims themselves. which they made before their embarkation from Leyden, to obtain even their first Patent, materially defective as it was, shows how very reluctant they were to be compelled, when arrived at their new abode in America, to adopt the last resort of self-constituted government. It is evident to me, that they would have much preferred, that Carver should be placed over them by authority of their own Company, like that which promoted Endicott, than by that which they were forced to

Besides, Carver was no less dependent on the will of the immigrants, who placed him at the head of their affairs, than Endicort was on that of his fellow members of the Corporation, who voted that the supreme care of their colony should be committed to him.

In view of these considerations, is there any inaccuracy in the foregoing quotation? The meaning of it is plainly, that if Carver's forty associates chose him for their head, without constitutional power from any charter from the Crown, or without any Patent, in the general name of their Company, from the Corporation of North and South Virginia, and he might, under such circumstances be rightfully entitled Governor in advance of Bradford, -there is full as much propriety, to say the least, that Endicott, chosen by freemen or members of the Massachusetts Company, among whom he held a prominent stand. assembled in General Court, in London, and under royal sauction, to be their Governor of this Commonwealth, -should be alike entitled precedently to Winthrop. It seems to me incapable of candid and true contradiction, that the comparison was and is pertinent and correct in its application, and that both cases, considered as to the sources whence the power of governing was derived, are the same in a corporate kind, though diverse in degree, and that it is much more in favor of Endicott than of Carver, though I believe that the latter may justly hold his rank as the first and chief ruler of the Pilgrims.

We will next consider the position, that because Endicott was appointed chief magistrate for our colony, by members of the Company, convened in London, in 1629, still this constituted him no Governor in the true acceptation of the term.

For an intelligent settlement of this point, much depends on the right interpretation of the word denoting such an officer of state. A few late writers have had printed in their works the very expressions of the General Court in England, which inform us in the most direct and plainest style, that they elected Endicott as their colonial Governor; and at the same time these authors, while denying that he fully sustained such a relation, have utterly omitted to tell their readers what meaning they attach to their negation. They cannot justly complain

if those who trace their course suppose that the paramount reason why they have gone thus far, and then failed to guide inquirers further, as they were bound to do, is that they could not proceed with satisfaction to themselves, and much less to those who are convinced that their whole direction, so far as away from the plain landmark set up by the phraseology of the court, just referred to, is totally unauthorized. The general drift of their remarks that Governor, in reference to Endicott, means something lower than the standing of such an officer, who is allowed his full rank, and there leaving the mind which desires to ascertain the proportion and particulars of such deduction in utter darkness, may lead to be wilder, but is far from being acceptable to every person who would know the whole truth.

It would afford much pleasure to the writer, could he perceive that the position of Mr. Savage, under this head, was entirely free from the deficiency just mentioned. After adducing several passages from the charter, to show that Endicott held his trust from the Company at home, he quotes as follows. from the same document: "The authority, office and power, before given to the former governor, deputy, etc., in whose stead or place new shall be so chosen, shall, as to him and them, and every of them, cease and determine." These words, as they evidently appear to me, have an immediate application to the succession of the Company's officers in England, and the consequent surrender of their respective trusts. I do not understand that they have any direct bearing upon colonial officers. Mr. Savage places the subsequent phrase, directly after the close of them, "These last words settle the business." If such a settlement mean, which is what I comprehend by it, that Endicott was Governor here in 1629, by election of the company in London, and thus subordinate to them, it entirely harmonizes with my own views, and I do not recollect ever having heard it denied.

It is true of him, and of all regular Governors. None of them can or ever could assert, that they do not or did not possess their power subordinately, in a greater or less degree, according to its origin. Were it a fact, that on account of such subordinacy no man chosen under it ever was or ever could be a proper Governor, the issue of the present instance would be and the second s

ciosea; the matter would be settled, and to raise any query about it, would be indeed "an idle question." But the truth in the premises assumes, to my apprehension, a very different aspect.

The subordinacy under consideration may be corporate, regai or popular. Of course there is no need for us to observe, except to meet objections occasionally thrown, as dust, into our eyes, so that we may not see our way clearly, that the term denoting such chief magistrate, does not signify a tutor, as Locke used it in his treatise on education, nor pilot of a ship, as the Apostle James applied it, nor president of a bank, nor superintendent of a hospital, etc., as not unfrequently used in the parlance of England. The definition of Governor, as exemplified and verified in the history of our country, may be learned from its several administrations of government. While different sections of it were owned and controlled by companies in Europe, and afterwards to some extent in this land, they exercised a corporate power in the choice of their Governors for their respective colonies. When these came under provincial rule, the Kings of England appointed such officers at their own pleasure. When they were made independent of the crown, the people elected these magistrates. All these elections were made on principles, as laid down in patents, charters and constitutions. Here we have a practical idea of what Governors have been in different periods of our country; an explanation which shows that they were delegated to rule over their respective States, according to established principles, by the companies, sovereigns and people who appointed them. No well informed historian undertakes to assert that the primitive Governors of New Netherland, subsequently New York, were not properly so because they were strictly subordinate to the States General, and then to the West India Company in Holland; or that the like Governors or Presidents of Virginia were not really and completely such officers, because they derived their station from the company who owned their portion of English America. We might select no small number of other parallel instances to confirm our position. The two especially cited are well known; -to the point, and sufficient for our purpose.

But here we ask, is it true that Endicott was not fully Gov-

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ernor in 1629, because so entitled and empowered by members of the Company in London? If so, we are reduced to the necessity of disallowing the representations of our hitherto credible historians, who describe the administrations of the Dutch and Virginia Governors just referred to, as rightfully so denominated; we must change our impressions, and while we speak of them as Governors, we must entertain a mental reservation which degrades them below the level indicated by their title, and assigns to them an uncertain grade which no language has yet, to the knowledge of the writer, intelligently, satisfactorily and truly defined. We are, therefore, constrained to grant, that the doctrine of subordinacy, as here set forth, tends to an absurdity; proves far too much, and consequently should be rejected as unsound, unsafe, and introducing confusion into the records of our history. Of course, a doctrine of such a cast and character should never be applied to Endicott, and thus strip him of the honor of being the first Governor of the territory and population of our Commonwealth.

There are several particulars which bear on this subject and call for our attention at the present stage.

To sink Endicott from the head of the list of our chief magistrates, because of subordinacy, seems to imply that there was some essential difference, with reference to him and Winthrop, in the mode of their election and in the principles of their administration. But was there in reality? No; Endicott was chosen by freemen of the Company in London. So was Winthrop; and after the latter came hither, he was rechosen by freemen of the same corporation, who dwelt here, and was, in every respect, as much subordinate to them, separately viewed on both sides of the Atlantic, as ever Endicott was.

How was it as to principles of administration? Endicott, for 1629, had in his hands, as the basis of his action, the charter, designated in its words, "Letters patent, or the duplicate or exemplification thereof," with the royal seal. It is true that Mr. Savage remarks concerning him, on the 30th page of his late first volume—"He had a commission from the Company to act as Governor, which was, of course superseded by the arrival of Winthrop with the charter." Some readers may construe this to intimate that Endicott did not have the charter for his direction. As a caveat against such a mistake,

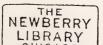
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they will bear in mind that he did have it, not varying one jot or tittle from the one brought over by his successor, as to all its requisites for the colonial legislation, which shows, without any just contradiction, that the principles of government were the same for both of them. Hence, as the cause instanced in the outset of this paragraph has no foundation, its effect cannot be equitably allowed.

The statement made by Mr. Savage, that he never saw any sufficient evidence of Endicott's exercising the duties of Governor in a regular Court is, as it seems to me, no conclusive argument that he did thus come short of his assigned service. It would indeed have been a phenomenon in political economy, had not various cases come before him, which in a colony of three years' continuance, demanded the collective deliberation, decision and execution of himself and associates in government. The letters of Cradock to him show that he had no lack of such business to perform, and his well known reputation for promptuess, activity and faithfulness, are a guarantee that he did not suffer it to be neglected. The natural inference which most minds would make relative to absence of positive proof, if there were none, that Endicott and his Court did not omit legislation altogether, would be, that the records of it were lost, as those of Salem, then the capital, were for several years, relative to its primitive municipal transactions.

That Endicott did hold a General Court there, is indicated, to my apprehension, by Morton of Mount Wollaston, who describes, in his new English Canaan, being present in such an assembly. The account which this narrator gives, how a force was sent to seize him and his effects, because he, in the exhibition of his staunch attachment to the national church, refused obedience to the charter authorities, is competent evidence that they were no drones; that they were vigilant watchmen of the Commonwealth, and adopted all needed measures in their sessions for the regular management of colonial affairs.

Further, the serious occurrence which involved the banishment of the Brownes, would naturally summon the majority of the rulers together, demand and receive their anxious consideration and final decision. Had they failed so to do, there is a moral certainty that the correspondence of the London



Court, which ensued, would have charged them with a group violation of their important trusts, which it did not.

Here we meet the assertion of Mr. Savage, previously intimated. It follows: "Nor is there a scrap of any record of proceedings ever had under his authority." As a necessary indication that there was such a record, we have the subsequent information. It is found in the Massachusetts Historical Society's Collections, 3 s., 9 v., 257 p. It is an extract from a letter of John Howes, in London, 1633, bearing on the devices and exertions already commenced at St. James' for the overthrow of our civil and religious institutions. It is, that about twentytwo of Endicott's laws were recently laid before the Lords. These acts, as we have reason to conclude, were selected by foes to our Plantation from a code which contained not a few more applicable to the wants and relations of the inhabitants, and not construed as opposed to the laws of the mother country. They are the strongest proof that Endicott and others, of a regularly constituted legislature, however small, did come up to the requisitions for which they were appointed by the Company in London. They thus exemplified the power bestowed upon them expressly by the charter, "to correct, punish, govern and rule all the king's subjects" within the compass of their jurisdiction. Of course the mistake, which represents them in a very different attitude, so that they should be looked on as a body of little or no consequence, and thus their Governor be degraded like themselves, rests on mere fiction and not fact. It ought not, and wherever truth is allowed its legitmate sway, will not press him down from his right position.

Should the administration of Endicott be disparaged, and consequently his standing, as its chief magistrate, meet with similar fare, because the number of his assistants was not large? To answer this question as it should be, we must not look at it singly and separately from all others. It is true that the Browne's were sent home. But there remained for Endicott's assistants, Higginson, Skelton, Bright, Graves, Sharp, and most probably the three more whom they were authorized to choose, if not the two additional ones whom the old planters, as Conant and his associates, were privileged to elect. In such an emergency, it is not at all likely that men like the three first, just

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named, would despond and neglect to avail themselves of their right to supply deficient members, strengthen their hands, and thus support their cause.

From these points we look to Plymouth Colony. We hear, we perceive not even the whisper of a suspicion, but that the rule of Carver was such as to secure his appropriate rank, though he had no assistant; but that Bradford, his immediate successor was alike entitled, though he had only one assistant to 1624, and then only five, and was himself an assistant to Robert Gorges, the Governor-General of New England. From this view, we turn to Massachusetts. Who doubts that the administration of Winthrop was sufficient to afford a similar distinction to him, though he had only seven assistants, besides himself and deputy, in August, 1630, and in the same year an order was made, that a major part of less than nine assistants might hold a court and perform its appropriate business? It must be confessed that then, of necessity, was a day of small things. But the diminutiveness of the age should not be laid to the account of one so as to strip him of his merited honor, while it is not so much as named of others, to whom, in all equity, it should be alike applied. Let not prejudice hold us back from dealing with an even hand.

The proceedings and language of the General Court, or freemen of the Company, convened in London, apply to the question before us.

In 1629, about February, they provide for transmitting to Endicott the charter having the royal seal, and also their own seal. These he received in due time. April 30. The Court vote that the authorities of the Colony shall be styled the "Governor and Council of London's Plantation in the Massachusetts Bay." They then elect Endicott to be the said Governor, and most of the Council, and give instructions how the other members of it shall be chosen here. In defining his powers, they express themselves as follows, as entered on their own records: "And the said Governor at his discretion, or in his absence the deputy, is hereby authorized to appoint, as oft as there shall be occasion, and shall have full power and authority, and is hereby authorized from his Letters Patent, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances and instructions, not contrary

to the laws of the realm of England, for the present government of our Plantation and the inhabitants residing within the limits of this our Plantation." They order a transcript of this to be forwarded to Endicott. On the same day they empower him and his Council to choose a Secretary, and "such other subordinate officers to attend them at their Courts." May 7. They agree on the forms of oaths for the Governor, Deputy and Council of the Colony. That for the first of these officers, they denominate "the oath of the Governor in New England." The duties it required of him, it required of all his successors, as upon an equal footing in respect to rank. 29. As the head of the General Court in England, Cradock addresses a letter to him with the superscription, "Captain Jo: Endicott, Esquire, Governor."

Their subsequent records frequently gave him the last title. In a review of all they said and did, so far as it has come down to us, there is not a shade of thought or expression, as it seems to me, which should lead any mind to infer, but that while they were legislating about him, appointing, addressing and styling him Governor, they seriously and sincerely meant to apply the title to him in the highest colonial and fullest sense. It would be wronging them as conscientious men, who were ready to make great sacrifices for the founding of a religious commonwealth on our soil, to suspect or imply that they purposed to use the term in a double or vague sense, or in any form or degree diverse from its proper signification.

To avoid any imputation of this kind, we must allow that the Company, from the spirit and letter of their charter, records and correspondence, did purpose to have a legitimate Governor, in the person of Endicott, on the premises of their Plantation, even while they exercised authority at home for the regulation of their trade, and the delegation of suitable legislative powers to such an officer and his associates.

What does the succession of Winthrop to Cradock, imply? To arrive at a true answer to this question, let us deal with facts. Such an official investment had all its vital properties laid down in the Charter, which made the sphere of its immediate operation within the jurisdiction of Old England. There it was allowed to give legal direction to the affairs of the Company. It was endowed with no inward or outward quality

whereby it might leave the place assigned for its exercise, and take up its abode in another land, and still be essentially as it had been at its commencement. The Charter made England as requisite for the continuance of such investment, as it did that a competent number of the Company's officers should reside there while it was in existence. This investment had nought to do with leaving the mother country, crossing the ocean, landing on our soil, entering the Courts of our rulers and causing them to cease as though they had never been. No. In the whole length and breadth of the Charter, we discover no liberties of this sort. That document declares the duties of the Company's officers, who were in England, and, also, those of their officers in America. As to their respective and special services, it set up a wall of separation between them, saying, as it were, to one class of them, here is your allotment, and to the other, there is yours. It holds forth not even the shadow of a license for any of the former, provided they should, by change of abode, become legislatively connected with the latter, to push them aside and assume their civil distinctions to themselves, simply for what they had been in a distant quarter of the world. So it is alike non-committed in the other direction.

With his authority so bounded, we perceive nothing in the several communications of Cradock, that he was, in the least degree, dissatisfied because he was not styled the first Governor of the Colony as well as first Governor of the Company in England. He evidently would have felt that an attempt to foist on him such a double capacity was not only unjust to Endicott, but also a palpable violation of the charter, as well as contrary to the common usage of Corporations like the one he served. Winthrop, no less susceptible of generous emotions, must have known that, by a mere succession to Cradock, he could be endowed with no more honor or power than so worthy a predecessor realized. He must have perceived that when the Arbella spread her sails to the breeze, and bore him and his friends towards America, that he had ceased to be the head of the Company in England, and was to be only head of such of them as should have their domicile in the Colony, and thus to be no more nor less than the successor of Endicott, in the full sense of a bona fide, charter Governor, without any let or

hindrance of hypercritical distinctions, never known in their day of peril and toil for the Commonwealth.

What did the Court in London mean, when, on the 29th of August, 1629, as proposed for deliberation the preceding month, they voted, "that the Government and Patent should be settled in New England," though not finally decided upon till several weeks afterwards, because of serious constitutional objections? By a misconstruction of the phrase, here quoted, not a few persons, as it seems to me, have been led to adopt erroneous conclusions. They have supposed that it involved the necessity of making some extraordinary change in the colonial polity, and of conferring on its administrators here a correspondent elevation. But their misapprehension may be corrected by a candid examination of the mode in which the movement was executed. The practical operation of a theory affords far better instruction as to its nature, than many speculations about it, however imaginative and ingenious.

The settling of the government here was substantially the omission to have its agents chosen by the members of the Company in Old England, and the like act performed by those of the same corporation in New England. It secured to Winthrop no greater power than it had already conferred on Endicott. It raised the former not a single line higher above the colonists, than it had the latter. It dealt with both on the same Charter principles, and imparted to them equal rank and honor.

Here it may be well to remark, that such an exchange of elective locations involved the nullification of the government as it existed under Cradock, and as required to be continued by the Charter. The following entry on our General Court records, of September 3, 1634, denotes an exception:

"It is ordered, that there shall be letters written to these gentlemen, here under mentioned and signed by the Court of Assistants, viz: Messrs. George Harwood, John Revell, Thomas Andrews, Richard Andrews, Francis Kirby, Francis Webb, George Foxcroft, and Robert Reave, to entreat them to make choice of a man amongst themselves to be Treasurer for a year for this Plantation, as also to give them power to receive an account of Mr. Harwood, now Treasurer, as also to give the said Mr. Harwood a full discharge." Here is indication, that

England, were so far a government of trade, remaining there and connected with the Colony, as proposed in 1629, as to have a Treasurer for their funds, who was about to resign and another to take his place. How much this may subtract from the amount of confidence, entertained by some, that the whole administration as in being under Cradock, was moved over with Winthrop, and thereby swept away Endicott's governorship, though a strange conclusion to my mind, they can judge for themselves. It may not be amiss to add here, that if such confidence were well founded, and on account of being at the head of the Company in London, any man should be denominated the first chief magistrate of Massachusetts, that man is Matthew Cradock, and no other.

At this point, the query meets us, what is signified by settling the Patent in New England? It is essentially the same as settling the government here. This was the creature of that, and derived all its civil and religious polity from it, and the very body which it assumed, and the very spirit through which it existed, moved and acted. The establishment of the government on our shores necessarily involved the like action with reference to the Charter. This action implies, of course, what really occurred in its premises. One of two transcripts of that document, as well known, was used for the control of the Corporation, while they existed in England; but it ceased to be needed there, when they closed their organization and was brought to our country. Another transcript of it had, as before noted, been previously sent to Endicott as the guarantee for his colonial administration, and still remains in the place where its privileges were exercised. When he was succeeded by Winthrop, only one of these transcripts was needed, and that has been long deposited among the State archives. In such a manner was the Patent or Charter settled upon our soil, so as to have no further legislative connection with its proprietors, who dwelt in England.

It is well known, that this transaction, so far as laying aside the government of the Corporation in that Kingdom, has been long represented by some as a fundamental violation of the Charter. Charles the I. and the Council for New England, took this stand. The Royal Council, under the date of June 19,

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1679, write to the Rulers of Massachusetts: "Since the Charter by its frame and constitution was originally to be executed in this kingdom, and not in New England, otherwise than by deputation (as is accordingly practiced in all other charters of like nature), 'tis not possible to establish that perfect settlement we so much desire, until these things are better understood." Among the civilians, who have maintained the same ground, was the late Judge, Joseph Story. The history of Hutchinson says: "It is evident from the Charter, that the original design of it was to constitute a corporation in England, like to that of the East India and other great companies, with powers to settle plantations within the limits of the territory, under such forms of government and magistracy, as should be fit and necessary." While such objectors so held their opinion, they uttered no doubt but that the Company did elect, in London, a competent and proper Governor for their Colony, in the person of Endicott.

We may learn from the foregoing observations, that the principal addition to the General Court of the Plantation, by establishing the government and patent here, was the choice of its chief magistrate, instead of having him appointed by similar authority in England. But location, all other things being equal, makes no essential difference in the grade of an officer. Washington would have been as much President of our Republic had he been chosen in Boston as anywhere else, provided the Constitution allowed the practice. Endicott therefore should, by no mistaken construction, suffer loss in his rank, by being elected by members of the Company in London instead of Massachusetts. We feel assured, that Winthrop saw nothing in the settlement of the government and charter on our soil, which could justify him in attempting to exclude Endicott from being his constitutional predecessor in office. No, the enlightened mind, the truthful conscience, and the noble heart of Winthrop would have shrunk from such a trick of political management.

How do various historians represent the office of Endicott prior to Winthrop's arrival? Josselyn, Johnson and Morton speak of the former, as being governor in 1629, without the least qualification, as if he were in any form or degree, of any lower grade than the latter. Prince, in his New England,

relates the proceedings of the Company in London in conferring a name upon their Colony. He then says, that they "elect Mr. Endicott Governor," and four times in immediate succession, in the same paragraph, he applies the like title to him in connection with the transactions of such a body. Prince, who was quick to detect small as well as great errors, and particular to state them, evidently had no misgivings as to the common sense meaning of Governor, assigned to Endicott: had no doubt but that he might most accurately and unreservedly apply to him the title, without being justly charged with the least particle of misrepresentation. Hutchinson, while narrating the Company's course of business, in the same year. says: "The names of all the adventurers and the sums subscribed, were sent over to Mr. Endicott, who was appointed their Governor in the Plantation." A man, like Hutchinson. would never have made this statement, had he the least suspicion that it contained a contradiction; that it could be. in some anomalous and strange manner, construed to mean the Governor of a Colony or State, and, at the same instant and in the same relation, mean no such officer, but an uncertain. undefined something, without notifying his readers of such a perplexed and distorted use of the English tongue. It comes to my recollection, distinctly, that a highly distinguished literary gentleman, who had great confidence in Hutchinson's talents, intelligence and correctness, while contending that Winthrop was the first Governor of our Commonwealth. appealed to that author with evident assurance, that he would support his position, but was greatly disappointed when he saw that his words contradicted his theory. And so I believe will many a man, who has not already committed himself in an opposite direction, and who consults their statements, without any previous bias, be conscious, that Hutchinson and Prince meant to be understood, that they had no doubts but that Endicott was in 1629 a true, constitutional and proper Governor of Massachusetts, as much as Winthrop or any of his successors ever were under the colonial charter, and consequently and righteously accounted the first on the list of such magistrates in our Commonwealth.

[&]quot;Fiat justitia, ruat cœlum."

CHAIR GIVEN TO GOVERNOR WILLIAM TAILER BY QUEEN ANNE, AND THE PETITION OF CHRISTOPHER TALBOT.

AT a meeting of the Massachusetts Historical Society, held in Boston on Thursday, October 10, 1907, Hon. Samuel A. Green made the following remarks:

I have been requested by Mrs. Elizabeth Anna (Byles) Ellis, of Burlington, New Jersey, to give in her name a chair of some historical interest, and by associations closely connected with Massachusetts, which once belonged to William Tailer, at different times Lieutenant-Governor of the Province, to whom, during one of his administrations, it was presented by Queen Anne. The chair is made of carved oak, and the carving shows the royal crown supported by cherubs, and also the rose of the royal arms. The caning of the seat and of the back has been renewed, and the solid carved bar in front, forming part of the seat, replaces one that was broken. In other respects it is the same as when used by the Lieutenant-Governor nearly two hundred years ago.

Mrs. Ellis is a lady of advanced age, — having been born on December 11, 1813, — and a great-great-granddaughter of Lieutenant-Governor Tailer, whose daughter Rebecca married Mather Byles, a grandson of Increase Mather. By this connection she is also a descendant of John Cotton, whose memorial statue is to be formally transferred to the First Church this afternoon. It was her sister Miss Sarah Louisa Byles who at the March meeting in 1881 presented to this Library the Bible that once belonged to the Mather family. It was

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given originally to Mrs. Increase Mather by her father John Cotton, and on the titlepage it bears the autograph of the old Puritan minister. It is a copy of the Geneva version, quarto, printed in London (1599).

Dr. GREEN also said:

The following petition, found among the Massachusetts Archives (CXXVIII. 60) at the State House, suggests a wide range for the imagination. It bears no date, but as Andros was deposed on April 20, 1689, it must have been written before that date. It would be interesting to know what power Mr. Talbot, the writer, had in mind that would propel his engine against wind and tide. Was it the application of steam to machinery? Almost certainly it was not electricity. He may have been the Bell or Edison of that century, who died without making his mark. At any rate, the petition is a curious old paper, and well worth a note in our Proceedings. It is furthermore of interest as showing at that early period in our history that patents were granted in New England, and that the customary limit was for fourteen years.

To S^r Edmond Andros Knig! Captain Generall & Governer in Cheif over this his Majestys Territorys of New: E.

The humble petition of Christopher Talbot Turner in Boston Humbly sheweth

That whereas your petitioner with great pains & expence hath found out an Engine usefull for divers trades men as turners ropemakers smiths & all sorts of mills for come sider sawmills & almost any thing that is to be done by wheels with sails & also hath discouered to make a boat sail against the wind & tide & sundry other things with more ease & expedition then hath ben discovered hitherto either in Europe or America. & wheras his Majesty & his royall Predicessors haue at all times been pleas'd graciously to Encourage all undertakings of this nature yt whosoever finds out any new engine or invention profitable for ye common good to grant their letters patents for the sole use theref

Therefore y^r petitioner is humbly bold & beggs y^t y^r Excelency will be pleas'd to grant him y^r letters pattents for y^c sole use & improvement of the said Engine in these his Majestics territories of New: E. for 14

years (as is accustomed) & y' no other person shall make use of the same or any such like without y' petitioners consent. who is in duty bound & shall for ever pray

CHRISTOPHER TALBOT

Another instance I recall to mind, where the genius of invention drew near to the door of discovery and found it ajar, but did not enter. It appears in an address made by Wendell Phillips in Music Hall at a Public School Festival, on July 25, 1865, and printed in the Boston Evening Transcript of the next day. The extract is as follows:

There was an old Boston merchant, years ago, wanted a set of china made in Pekin. You know that Boston men, sixty years ago, looked at both sides of a cent before they spent it, and if they earned twelve cents they would save eleven. He could not spare a whole plate, so he sent a cracked one, and when he received the set there was a crack in every piece. The Chinese had imitated the pattern exactly. Now, boys, do not imitate us, or there will be a great many cracks. Be better than we. We have invented a telegraph, but what of that? I expect, if I live forty years, to see a telegraph that will send messages without wire, both ways at the same time. If you do not invent it you are not as good as we are. You are bound to go ahead of us.

It would be interesting to know what germ of an idea was at work in Mr. Phillips's brain at that time. In some matters he was a seer, and perhaps saw the possibilities of the future in wireless telegraphy better than some of his contemporaries. At any rate, the idea never developed and bore fruit. Sometimes it happens that a great discovery is nearly made, but the final stroke is not given in order fully to accomplish it. Often there is a glimmer of a new truth, but yet not clear enough for distinct assertion.

A LETTER SAID TO HAVE BEEN WRITTEN BY COTTON MATHER, SHOWN TO BE A MISERABLE FORGERY.

AT a meeting of the Massachusetts Historical Society, held in Boston on Thursday, March 12, 1908, Hon. Samuel A. Green made the following remarks:—

Nearly forty years ago, at the meeting of this Society in June, 1870 (Proceedings, XI, 328, 329), I had occasion to speak of a forged letter which was said to have been written by Cotton Mather, and supposed to be among the manuscripts in this Library. The letter, dated "September ye 15th, 1682," was published first in the Easton (Penn.) Argus of April 28, 1870, and was widely copied into other newspapers. It was signed "Cotton Mather," and purported to give the details of "a scheme to bagge Penne," on the part of the Colony of Massachusetts Bay. In an accompanying statement it is said that the letter was found by "Mr. Judkins, the Librarian of the Massachusetts Historical Society, in overhauling a chest of old papers deposited in the archives of that body by the late Robert Greenleaf, of Malden."

In the interest of historical truth and in order to give an official denial to the story, at that meeting as Librarian I pronounced the letter a miserable forgery. The name of Mr. Judkins was utterly unknown at the Library; no such chest of old papers as is alleged to have been deposited here was ever received, and no such person as the one said to have made the deposit was known to the members. Evidently the story was started for the express purpose to deceive the public and to create a prejudice against the early founders of New England.

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The letter, which was addressed to the Rev. John Higginson, of Salem, is as follows: —

Boston, September ye 15th, 1682.

TO YE AGED AND BELOVED JOHN HIGGINSON.

There bee now at sea a shippe (for our friend Mr. Esaias Holcroft of London did advise me by the last packet that it wolde sail some time in August) called ye Welcome, R. Greenaway master, which has aboard an hundred or more of ye heretics and malignants called Quakers, with W. Penne, who is ye Chief Scampe at ye hedde of them. Ye General Court has accordinggely given secret orders to Master Malachi Huxett of ye brig Porposse to waylaye ye said Welcome slylie as near ye coast of Codde as may be and make captive ye said Penne and his ungodlie crew so that ye Lord may be glorified and not mocked on ye soil of this new countrie with ye heathen worshippe of these people. Much spoyle can be made by selling ye whole lotte to Barbadoes, where slaves fetch goode prices in rumme and sugar and we shall not only do ye Lord great service by punishing ye wicked but we shall make great gayne for his ministers and people. Master Huxett feels hopeful and I will set down the news he brings when his shippe comes back.

Yours in ye bowells of Christ.

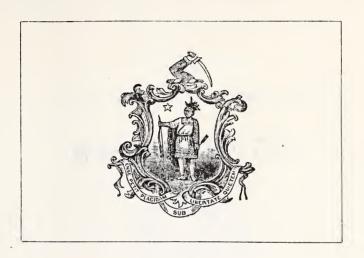
COTTON MATHER.

This spurious production appears periodically in the public prints, and often has been exposed as a miserable forgery, but it will not down. Like a planet it seems to have an orbit of its own in which it moves, and at regular intervals is printed in the newspapers. At the time of its date Mather was only nineteen years old, which fact alone would be presumptive evidence that he was not connected with any such piratical scheme. There are other ear-marks in the letter which tell against its authenticity. The word "scampe" was not in use two hundred years ago, and Mather would never have used the phrase "ye coast of Codde." The name of the Cape was given by Gosnold, and no one in this neighborhood ever called it anything else but "Cape Cod." The old Puritan minister was a scholar and, according to the standard of his day and generation, he knew how to spell, and never would have been guilty of the foolish orthography there used. Moreover the writer's subscription alone would be enough to condemn the letter. Mather had sins enough of his own to answer for without ascribing to him the crude absurdities of this forgery. In every community there is a certain number of persons

always ready to adopt opinions which are in accord with their own feelings. The instances are frequent where evil-minded men have thus played upon the credulity of the public and so started false reports and gross slanders.

The letter has been reprinted so often, and I am called upon so frequently to answer questions concerning it, that I set about tracing the origin of the story to its source. After some correspondence I found that it was written by the late James F. Shunk, at one time editor of the Easton Argus, in the columns of which it originally appeared during his connection with the newspaper. He was a man of distinguished ancestry, — his two grandfathers having been governors of the Commonwealth of Pennsylvania, — but with a strong prejudice against the Puritans. The letter was written in a spirit of hostility to New England people; and it was evidently the writer's intention to throw discredit on them, and to a certain extent he was successful. Mr. Shunk, the author of the forgery, died in 1874, at the age of thirty-six years.

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MASSACHUSETTS:

A TYPICAL AMERICAN COMMONWEALTH.

BY

WILLIAM ELLIOT GRIFFIS, D.D.



CAMBRIDGE:

JOHN WILSON AND SON,

University Dress.

1893.

MASSACHUSETTS

A THURSAL AMERICAN COMMISSION AND WITH

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LIST OF ILLUSTRATIONS.

							P	AGE
PLYMOUTH ROCK	 ١.							9
THE OLD STATE HOUSE								15
FANEUIL HALL								17
OLD NORTH CHURCH								19
OLD SOUTH CHURCH		4	٠	٠				21
Washington Elm			•					23
BUNKER HILL MONUMENT		,			,			29
THE HOME OF LONGFELLOW								33
THE BIRTHPLACE OF WHITTIER .		•				•		35
STATE HOUSE								37

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MASSACHUSETTS:

A TYPICAL AMERICAN COMMONWEALTH.

THE cradle of Massachusetts history was discovered within the memory of living men. Under the carved oaken beams of the Manor House at Scrooby, in the northern part of Nottinghamshire, England, about 1604, the Pilgrim Church was born. Here, on the banks of the Idle, gathered farmers, artisans, and laborers from the three counties of Nottingham, Lincoln, and York. The bond of a common religious faith held them together. John Robinson, their spiritual teacher, was nobly assisted by William Brewster, the Elder of the congregation, and by William Bradford, then a young man, but with great business and administrative abilities.



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THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.

Forced to leave a monarchy, they took refuge in a republic, where, from the previous visit of Brewster, they knew there was "liberty for all men." The same tyranny which drove out so many good men from England had already nearly ruined the woollen and other textile manufacturers of Norfolk, many of whom brought their capital and skill to Leyden. In this rich city lived several hundred English people, including contractors, manufacturers, soldiers serving in the Dutch army, and students in the University. Thither, in 1610, came Robinson and his congregation, thus making the second English church in the city. During the Twelve Years' Truce these prospective citizens of Massachusetts remained in the municipality and the federal republic, learning much of government, politics, business, and handicraft, as their own and the Leyden records show. Of the Pilgrim company, William Bradford, Isaac Allerton, Degory Priest, and many others became citizens of the municipality, and thus gained experience in the working of republican institutions. Before their eyes they saw in full operation, in a union of sovereign states bound in federal union by a written constitution, and under the red, white, and blue flag, common public free schools, toleration of religion, the registration of deeds,

mortgages and wills, the written ballot, freedom of the press, democratic government in church affairs; and, among the Anabaptists, who were numerous around them, complete separation of Church and State. In a word, these men, destined to be the founders of the greatest republic in the world, had here every facility, in a free republic, to reinforce practically their ideas and inheritance of English freedom.

Yet because their sons and daughters were marrying into native families, their young men enlisting in the army led by Maurice, and their people likely to be swallowed up in the Dutch nationality, withal desirous of propagating their tenets of independency, these English Independents resolved to cross the Atlantic to the New World. In their enterprise they were joined by Miles Standish, one of the captains in the English contingent of the Dutch army.

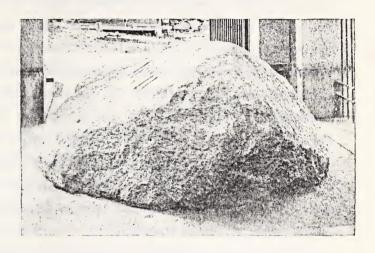
They made their journey in boats by canal to Delfshaven, embarked on the "Speedwell," and crossed to Southampton, where they were joined by John Alden and other colonists, and the "Speedwell" by the "Mayflower." After many vicissitudes, including kind treatment by the people of Plymouth, they made their wintry voyage of nine weeks across the Atlantic. The "Mayflower" had

a tonnage less than that of a good Erie Canal boat. One hundred and one persons landed on the shortest day of the year, December 21, 1620; and the first or common house was begun on Christmas Day. Soon a group of seven rough dwellings sheltered the company.

Without giving the name of Scrooby, Austerfield, or Bawtry to any of their settlements, they called the place Plymouth, and formed the "Old Colony." Other emigrants from Leyden and England joined them; but at the end of ten years they had not increased beyond the number of three hundred persons, or about the total number of Robinson's Leyden congregation at its highest. The oldest street in New England is Leyden Street in Plymouth, Mass. The most famous boulder in the world is Plymouth Rock,—a bit of stone as geographically erratic and as influentially enduring as the Pilgrim Fathers themselves. Their simple but heroic life has been glorified in poetry, painting, fiction, and oratory.

One of the first museums and memorial edifices in the American Union enshrines the Pilgrim relics in Plymouth. As early as 1769 Forefathers' Day (December 21) was inaugurated by a local celebration which is now perpetuated in a dozen New England societies and

nearly fifty Congregational and other clubs throughout the United States. In 1822 Pilgrim Hall was dedicated; in 1867, the imposing granite canopy placed over Plymouth Rock; and in 1889, the completion of the National Pilgrim Monument was celebrated. On this oc-



PLYMOUTH ROCK.

casion the oration was most appropriately given by the Hon. W. C. Breckenridge, of Kentucky, of Scotch-Irish and Presbyterian ancestry, and the poem by John Boyle O'Reilly, a Roman Catholic Irish-American. Besides the bronze tablet in memory of John Robinson in Leyden, it is proposed to rear at Delfshaven a memorial to

the Pilgrim fathers and mothers, and in recognition of the hospitality of the tolerant Dutch republic.

Small and poor as the Pilgrim colony and republic was, and much greater and richer as became the later Puritan immigration and Bay Colony, the spirit of the former is the more typically American. The people of the United States may be outliving Puritan ideals, but they love more and more the Pilgrim spirit and practice. Our national tradition and procedure are Pilgrim rather than Puritan, in favor of toleration and the separation of Church and State, less rigor of form with a sweeter and purer Christianity. The Pilgrims were reinforced Englishmen, tempered and mellowed in a tolerant republic. They were men of three lands. Both colonies in Massachusetts were as mustard seed and leaven. But while the Puritan, or Bay, colonists represent phenomenal growth and extensiveness, the Pilgrims stand for the leavening, or intensive, principle in the making of America.

At Plymouth was the first successful settlement of a colony, consisting mostly of Englishmen, on the shores of the Indian country,—meaning "great hill,"— or of the Commonwealth of Massachusetts. The name "Massachusetts" came probably from a single elevation overlooking Boston Harbor (Blue Hill, near Milton); and part of

it still lives in that of Wachusett Mountain. Possibly, centuries before, the Norsemen had settled and begun civilization at Norumbega; and it may be some of the names on the map are of Norse-Indian origin. Whatever may be the ultimate issue of the question of the Northmen's occupation of the Charles River region, or about Taunton, Massachusetts glories in the possession of the Dighton Rock, with its Runic inscriptions; while Professor Eben Norton Horsford, scholar, inventor, and philanthropist, has reared, on a rocky height near Waltham, a lofty tower of pebble and bowlder, with detailed inscription upon a polished granite shaft. On Commonwealth Avenue, in Boston, Leif Ericson stands in bronze effigy on a red stone pedestal, carved in likeness of a dragon-prowed viking's craft. Among the settlements that failed may be noticed those of Bartholomew Gosnold (at Cuttyhunk) and Martin Prynne.

How long the "Skraalings," or red men, inhabited the land we know not. Somewhat over a thousand Indians, of more or less mixed blood, still dwell on Massachusetts soil, mostly on the coast or islands, and a venerable missionary society still makes annual grants of money for their religious nurture. The memory of the Indians is eternally embalmed in the many sonorous Design to the second second to

names of rivers, mountains, and natural landmarks in the Commonwealth.

The "Bay Colony" was begun at Salem in 1628, under John Endicott, and reinforced and enlarged by John Winthrop, who came over to Charlestown in 1629 with a charter. In these two later emigrations were about thirteen hundred people. The Pilgrims never had any patent or charter, but under the royal document committed to Winthrop the Puritan government was formed, lasting sixty years. Not being satisfied with the water and other natural conditions at Charlestown, many of the people crossed the Charles River to Shawmut, which means "near the neck." Then "Bostonia Condita" could be written; for Boston, named later after the town founded by St. Botolph in England, was settled and its career begun. Until the coming of the Rev. John Cotton, - of whom Bishop Phillips Brooks was a descendant in the eighth generation, — the new settlement at Shawmut, near the farm of Blackstone, now Boston Common, was dubbed "Lost Town," because not at first flourishing. When, a decade later, King Charles and the Parliament were at odds, probably more colonists returned to England than emigrated to Massachusetts until the Revolutionary War.

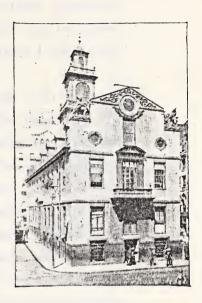
The first settlers were toilers on land rather than on sea. As usual in the course of history, the poorest land was taken first, because it needed less preparatory work of axe, mattock, and fire for the reduction and removal of the timber, and the extraction of stumps from the soil. The landscape of Massachusetts has been carved and laid chiefly by the glacier, and the handwriting of God on the rocks is everywhere evident. Four divisions, both geological and typographical, are noted. Cape Cod and Plymouth County are made of rearranged glacial drift. From the shore region towards Connecticut River, the rocks belong to the Laurentian, Cambrian, and Carboniferous ages. In the middle of the three counties -Franklin, Hampshire, and Hampden — lies a great basin abounding in the footprints of colossal reptiles. of these triassic rocks, containing nine thousand tracks, are stored up, like some great terra-cotta library recovered from a buried world, in the museum of Amherst College. First discovered on a Sunday in the last century by a pious worshipper on his way home from the meeting-house, they were supposed to be the work of "Noah's raven." Westward from the Connecticut River basin, in Berkshire County, is a series of highly metamorphosed rock, probably as old as the Silurian period.

From the first, however, the resources of the State in economical geology, except a very little silver, lead, coal, emery, and iron, have been exhibited mainly in Quincy granite, red sandstone, and marble. Indeed, it may be said that the mines of Massachusetts are in the sea, or above the soil in the character and habits of her citizens. True type of the brain-nourishing food of the people, the cod deserves praise as the one fish which can be cooked in all ways, and eaten at all seasons of the year. Indeed, physicians have publicly declared that baked codfish and potatoes form the ideal food. To this, however, supplementing the colonial clams and corn, the native housekeeper out of her New England kitchen will add brown bread, baked beans, fishballs, doughnuts, pumpkin pies, all cooked and served in approved Boston style. It is certain that the first order of brains has been long nourished on this standard diet. Rejecting Christmas and Lent, the Pilgrims and Puritans struck a balance by instituting Thanksgiving and Fast days.

From the first, the people began cheerfully to replenish and subdue the earth. Many of the early Puritans were skilled fishermen or dealers in the produce of the sea before they crossed the Atlantic; and the prospective wealth to be obtained from the ocean was one of the

strong inducements, in addition to the urgency of conscience, which led them to this part of the world. From the first history of the Commonwealth to this day, there has been more wealth drawn out of the water than from

the land. For food, oil, and fertilizers, the cod, whale, and finny spoil of all sorts have been caught by billions. The Indians within her borders, who first taught the settlers how to tread out a mess of eels and to cook succotash, were of Algonquin stock; but before the Revolution the Iroquois had named the governor of Massachusetts Kinshon, "the Fish." Shortly after this a golden cod was hung in



THE OLD STATE HOUSE.

the State House, and under the golden dome on Beacon Hill it still hangs, as the true symbol of the wealth of the Bay State.

From July 4, 1631, when John Winthrop launched "The Blessing of the Bay," Massachusetts men have

been good shipbuilders. Their vessels became in less than a century the finest in the world. A permanent school of naval science and experience was founded in the fisheries and carrying trade, from which some of America's greatest naval heroes have been graduated. Among the descendants of early settlers may be named Ulysses S. Grant, Abraham Lincoln, John Brown, John A. Winslow, and a host of others.

In the Colonial, Revolutionary, and Civil wars no State has a naval record like that of the Bay State. the War of Independence, over one-half of the American ships and sailors were from Salem, Boston, New Bedford, and other ports of Massachusetts. They first carried the American flag around the world, and then into every sea, becoming the common carriers of the world. The "Constitution," or "Old Ironsides," commanded by Captain Isaac Hull, and the "Essex," on which fought Porter and the boy Farragut, were both built on Massachusetts Bay, and manned largely by her sailors. Besides nourishing many heroes in our navy, who were born in her borders, the Bay State claims the honor of adding largely to astronomy, navigation, ship-hygiene, and allied sciences, in the persons of her sons, — Benjamin Thompson (Count Rumford), S. F. B. Morse, of

telegraphic fame, Nathaniel Bowditch, Benjamin Pierce, Benjamin Franklin, tamer of lightning and discoverer of the Gulf Stream, and her adopted son, Louis Agassiz. John Adams, who in 1819 modestly disclaimed being "the father of the American navy," was nevertheless

Admiral Hopkins, in 1776. Adams gave names to the first five vessels, one of which, the "Andrea Doria," at St. Eustatius, in the West Indies, November 16, 1776, received from the Dutch governor, Johannes de Graeff, the first salute ever fired in honor of the American flag. The "amphibious" regiment of Marblehead, led by the doughty General John Glover,

influential in forming it, under



FANEUIL HALL.

manned the boats which ferried over Washington's army after the battle of Long Island and before the victory of Trenton.

When we inquire into the ancestral origin of the people who began our Commonwealth, we find that fiveeighths of them came from those eastern and southern

counties of England which border on the North Sea or English Channel,—that region which may be called the centre of the commerce of Europe, where many ocean waters meet, and at which the mouths of many great rivers from the interior of Europe are found. Here the Celtic, Norse, and Teutonic nations mingled. The railway station next to Scrooby, named Ranskill (Ravenskelf, "mound of the ravens"), is but typical of the settlements of the Norsemen in England, and the rich infusion of Norse blood in those parts of England, whence came the Plymouth men. Their Norse blood explains that love of the water and of ships which is so natural to the sons of Massachusetts.

In few portions of the Union has the study of ancestry been so diligently carried on; and in the number of historical, antiquarian, and historic-genealogical societies Massachusetts leads all the States. In the volumes of local history published, commemorative statues, soldiers' monuments, tablets marking historic spots, memorials of distinguished men and women of local, state, or national fame, "Old South" and other courses of lectures on American history, the raising of flags on public schools,—the example of the Bay State deserves imitation everywhere. Though her population is no longer of

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preponderantly English or native American stock, and is already more than half of Canadian-French, Nova Scotian, Irish, or other stocks, the effort is constant to educate all in the principles of American self-restraint

and freedom, and in their responsibilities as citizens.

With their traits of enterprise and daring inherited from their Teutonic and Norse ancestors, the colonists joined love of discipline, a passion for law. They wanted good government, and for the sake of it they were willing to sacrifice personal convenience or desires. In the New World they laid out their towns on the old Frisian model, with a "common," or common land. Civilization advanced by social settlements, not by isolated cabins, by towns with churches, schools,



OLD NORTH CHURCH.

music, culture. A system of political order was evolved in which there was the nicest balance between individual freedom and combination.

The military spirit from the first was dominant. The fighting qualities of their ancestors, the old Saxons and

Frisians, were manifest. Miles Standish and his mailclad men returned the rattlesnake skin stuffed with bullets and powder, and began war just as soon as the Indians wanted it, — possibly sooner. The Ancient and Honorable Artillery of Boston was organized in 1637. Among the first imports to the colony from the West Indies, about 1640, was cotton for the wadding of corselets to render harmless Indian arrows. The war with the Pequots in 1637, and King Philip's War, 1645–1646, which reduced the colony to half of its strength in blood and treasure, issued in victory for the white man.

For two generations longer the settlers were harried by French and Indians from the North. Against the northern waves of invasion from Canada there was no breakwater; the frontier was all exposed. But on the west there was, standing like an impregnable mountain wall, the Confederacy of the Iroquois, the Six Nations, who, through the genius of Arendt Van Curler,—after whom the New York Indians named the Governor, and those of Canada Queen Victoria,—had been won, first to the Dutch, and then to the English side, as against the French. Yet, despite the constant alarms from the savage foe and the danger of invasion from Canada,

the indomitable military spirit of the people enabled them to strike the trouble at its source, and to dry up the poisonous springs of disaster. Hence during a period of nearly seventy years their thoughts were occupied with the reduction of Canada.

After several unfortunate expeditions, the plain farmers of New England, led by merchants and lawyers, through a happy combination of circumstances aiding their own valor and genius, captured the great fortress of Louisburg. One of the first statues raised in the United States to the honor of Columbus stands in Louisburg Square, in Boston.

To sustain the immense financial burden thus imposed upon them by their naval and military enterprise,



OLD SOUTH CHURCH.

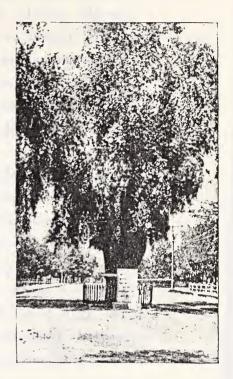
the people of Massachusetts were obliged to coin money, 1652–1682, and in 1690 to emit bills of credit. Being practically an independent republic, Massachusetts put no royal effigy on those circular bits of metal, which are usually assumed to be the symbols of state sovereignty.

Taking the pine-tree as the typical natural feature on her landscape, symbolical of vigor, steadfastness, and ability to stand alone, she stamped the effigy of this majestic tree upon her shillings. Understanding political economy, she made coins less in value than those of the same name in England, so that they would be kept Sixpenny and threepenny pieces were also at home. minted. In country places to this day the Pennsylvanian in Massachusetts is amused to find that six shillings are yet believed to make a dollar. The pine-tree, afterwards, with the rattlesnake, appeared on the Massachusetts colonial flag, until both these symbols were eclipsed by the standard bearing her coat of arms as a sovereign State, and by the Stars and Stripes of the Union,—"the one flag she holds more sacred than her own." The great seal of state (sigillum reipublicae Massachusettensis) bears the figure of a tufted and moccasined Indian holding bow and arrow, standing beside a star, and under a mailed hand grasping a sword. The martial legend is from the Latin of that flower of English chivalry, Sir Philip Sidney, who fell, in the Dutch War of Independence, at Zutphen, —"By the sword she seeks calm repose under liberty."

When Charles II. came upon the throne, he made

inquisition into the way things had been going on in the Bay Province; and thinking that these people across the sea were taking and gaining too many liberties, he

revoked the charter, and sent Sir Edmund Andros over to be his deputy and the royal governor. Andros made a fool of himself in a great many ways, and the people rose up in due time and put him in prison. When the Stadholder of the Dutch republic became King William III. of England, he granted a new and more liberal charter, which remained the supreme law of the colony until there was



WASHINGTON ELM.

formed the Provincial Congress of 1774. Under this charter the "Old Colony" was, in 1692, swallowed up, and became one with the "Bay Colony." Massachusetts had then a population of forty-seven thousand.

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Among the famous men of this period, from 1620–1692, were, in the Plymouth or Old Colony, Governors Carver and Bradford, the two Winslows, Prence, Hinckley; in the Bay Colony, Endicott, Winthrop, Dudley, Haynes, Vane, Bellingham, Leverett, Bradstreet, Joseph Dudley, Andros, and Danforth. Other names famous in theology, literature, enterprise, or social life, are those of John Alden, Anne Hutchinson, Richard, Increase, and Cotton Mather, John Cotton, Thomas Shepard, John Eliot, Henry Dunster, William Pynchon, and others.

Some idea of the intellectual foundation upon which the reputation of the State rests may be gained from the fact that to Massachusetts came a large majority of the one hundred Puritan clergymen who had been in the Church of England, and were university-bred men. Harvard University grew out of a public school founded at Newton in 1636, and settled at Cambridge in 1639. For over a quarter of a millennium "Fair Harvard" has sent out her graduates to do the world's work in every line of human achievement.

Under Queen Anne and the house of Brunswick there was comparative prosperity, and the taking up of new land and settling of new towns went on apace. The centre of the State was well dotted with farms and villages,

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and as early as 1735 the Berkshire Hills were crossed, and the site of Pittsfield, under the name of "Boston Plantation," laid out. Indeed, not only is the name of Boston repeated twenty-five times on the map of the United States, but in northwestern America "Boston" was, among the aborigines, the synonym for white man.

Despite their ability to take care of themselves, the Massachusetts men were all loval to the old country, and to her kings and the king's favorites, notwithstanding that so many of these proved themselves such foolish people. Hence in the naming of the Massachusetts towns we find a remarkably large number of the names of English kings, their palaces or places of residence, and of the king's servants or favorites; and one can read in the names of these towns the story of English politics. The limit was reached and the line was drawn in 1775, when, a town having been named after General Gage, and called Gageborough, the people petitioned to have the name changed, which was done. After that no shadow of royalty in any form was cast upon the nomenclature of the Commonwealth. In 1776 the first of the many towns in the United States called after the great Virginian received its name, Mount Washington, from the Legislature, as being the highest in Massachusetts, as well as in Berkshire county.

During the period of the royal governors the people pushed westwardly with axe and rifle, clearing the forests, improving wild beasts off the face of the earth, and making the wilderness bloom with roads, towns, churches, and hearth-fires. On the sea they caught fish, chased whales, built up a profitable trade, sold Friday food to the southern Europeans, and traded off for Old World comforts and luxuries the best ships then affoat. They imported West India molasses, and made New England rum; traded in and kept black slaves; maintained the public schools; drank cider at home, and strong liquors at the meetings of parson and deacons, — and did a host of things good and bad, like other saints and sinners. The powder-horns carved in the frontier-camp with geographical, historical, and more or less poetical annotations; the "melancholy sampler" made by the women at home; the chief literature theological, "the air black with sermons;" religious life keen, stern; social life serious; politics always exciting; newspapers few, and books not so many as well read, show the strong, simple, intense life of the people, and the character of Massachusetts in formation. With the spinning-wheel at home fitted to work flax or wool, the busy women made clothing, as well as cooked and farmed. In the field or on the sea, the men became veterans ready

for Revolutionary regiments or Continental privateers. "In all labor there is profit" was the motto of these freemen, always prepared for peace or war.

In the governorship we find Phipps, Stoughton, Bellamont, Dudley, Tailer, Shute, Dummer, Burnett, Belcher, Phips, Pownal, Hutchinson, Bernard, and Gage. In theology, Jonathan Edwards eclipsed all lesser lights with his profound thought, brilliant writings, and continental fame.

The English Revolution of 1688, by which Puritanism practically triumphed, and by which much that the Commonwealth had striven for was attained, and by which also toleration was first secured to Independents and other free-churchmen in England, was always a sore thing to royalty and aristocracy in that country; and a policy was inaugurated which, whatever the pretexts alleged or the matters of detail professed, was intended to undo the work of the Revolution. The House of Brunswick, led by King George III., was particularly active in this abominable policy, and one of its measures was the taxation of the colonies without their consent; and these colonies, following out the precedents of the republic in which so many of the Pilgrims and Puritans had been trained, and of their English ancestors, at once resisted. Massa-

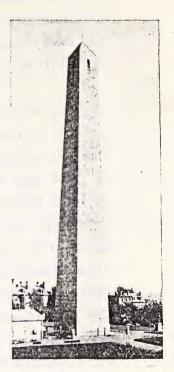
chusetts and Virginia led in protest and revolt. Agitation was begun, and public opinion was roused. As in New York, the people had always voted the yearly salary of the governor, and refused anything like permanent support; and during the seventy-five years' quarrel over the subject they had been pretty well educated in matters of political finance.

In 1776 the Sons of Liberty first began to gather under the old Liberty Tree, which stood on the corner of what is now Washington and Boylston Streets in Bos-In October, 1770, Boston, which had only twelve thousand inhabitants, was garrisoned by one thousand red-coats, camped on the Common. On March 5, 1770, twelve "lobster backs," led by Captain Preston, fired on the crowd that was jeering at them, and blood was shed in front of the old State House. A monument to the civilians who were victims in this massacre stands near the Mall, on Boston Common, facing Tremont Street. After "the excursion of the king's troops to Lexington and Concord," and the resistance of the patriots, who claimed "the right to pass unmolested along the king's highway," came the British victory at Bunker Hill. The red-coats embarked near the old Providence depot. About where the statue of Leif Ericson stands lay some

of the British ships-of-war, one of them commanded by Captain Linzee; and much of what is now the handsomest part of Boston was then mud and ooze, under tidal

his militia well, and held them against the artillery and infantry fire of the regulars till his powder was all gone. Then English pluck snatched victory out of the jaws of defeat, and over the redoubt the Union Jack waved the same day. Nevertheless, the defeat was so glorious that Americans have, on the lost field, soon regained, erected a granite obelisk, a statue of Prescott, and inscribed bronze tablets commemorating the rank and file. In the hall of the Massachusetts Historical Society the swords of Linzee and

water. Colonel Prescott led



BUNKER HILL MONUMENT.

Prescott, whose grandchildren were joined in marriage, are crossed in an entwining wreath. Along the road from Boston to Lexington memorial stones mark the historic spots reddened by patriot blood.

The old elm in Cambridge, near the Harvard University grounds, under which Washington took command of the Continental army, still stands. Dorchester Heights being fortified, and the city and harbor commanded, the city was evacuated on Saint Patrick's Day. Both the Saint and the good riddance are celebrated on March 17, under the form of "Evacuation Day."

Bunker Hill dictated the tactics of the war. The British, who had not been under fire from 1762 to 1775, got such a taste of the power of the Massachusetts rifle that they were never known from that time forth to attack by assault Americans who were behind intrenchments; they relegated this unpopular work entirely to In the Revolution Massachusetts furnished probably half of the men for the Continental army, and possibly three-fourths of the American force upon the ocean. On the scroll of fame the names of the sons of Mars and of Massachusetts are sown thickly like stars in the heavens. Standish, Church, Williams, Ward, Warren, Gridley, Knox, Lincoln, Putnam, Eaton, Hill, Hooker, Lander, and a host of minor lights are among those whose valor and abilities are gratefully remembered in the wars of the Colony, the State, and the Nation. In the war for the Union, besides contracting a debt of over fifty millions, Massachusetts sent nearly 160,000 men into the armies of the Republic.

In the making of constitutions the old Bay State has been fruitful. The first was drawn up in the cabin of the "Mayflower." Besides patents and charters there have always been the town meeting and the General Court, that is, local and state legislatures, each governed by written rules. When Massachusetts separated from the mother country, - the last General Court under royal authority dissolving on the day of the battle of Bunker Hill, — the Provincial Congress, which had met October 5, 1774, and February 1, 1775, assumed both the legislative and executive powers. The first constitution submitted to the people by this Congress was rejected by popular vote March 4th. The constitution, drawn up mainly by John Adams, was accepted by the popular vote in 1780. It declared the Commonwealth to be a free, sovereign, and independent State. After Shay's Rebellion no great civil trouble was experienced, and the wheels of the political machinery have moved smoothly unto this day. The boundaries of Massachusetts have been settled after negotiation with every one of the five States adjoining. The title to Maine was acquired in 1717, and relinquished in 1820. In jurisThe Company of the Co

prudence and statesmanship the long roll of names includes those of Sewall, Story, Parsons, Shaw, Otis, Ames, Samuel, John, and John Quincy Adams, Quincy, Webster, Choate, Everett, and Sumner.

Of her governors under the constitution, the first was John Hancock, also President of the Continental Congress. He served from 1780 to 1785, and his mansion,—a superb specimen of colonial architecture,—stood on Beacon Hill, fronting Boston Common. It is this typical Massachusetts house which has been chosen for reproduction at the Columbian Exposition. His imposing sign-manual, as bold as though made by a crowbar, yet as artistic as a writing-master would desire, is, of all the signatures to the Declaration of Independence, most easily read at a distance. After Hancock came Bowdoin, Samuel Adams, Sumner, Gill, Gore, Gerry, Strong, Everett, Washburn, the great war governor John A. Andrew, and others.

From the first cargo of fish, beaver, and sassafras sent home to pay the Pilgrims' debts, and the first bargain made at home with wampum, Massachusetts has had a steadily developing commercial history. In finance, commerce, banks, savings-banks, insurance, the loaning of money and investments made for the building up of the country, her record is a noble one.

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In her industrial career, Massachusetts was first agricultural, then naval, then manufacturing. The bootshaped State leads all others in the manufacture of foot-gear. In early days the Essex County men built ships and sailed them, or went fishing or trading in

shoes in winter. "Hannah at the window binding shoes" took her share of the light manual labor; and now a great army of shoemakers, from Pittsfield to Brockton, keeps half the people of the United States well shod. The

summer and made



THE HOME OF LONGFELLOW.

inventive genius blossomed early. In the manufacture of textiles, in hardware, in notions of all sorts, the businessman must be constantly alert to avail himself of the latest improvements in machinery, else he soon falls back in the procession of the successful. Water-power first, then steam, and finally electricity, are the motors harnessed and driven by man. Named in the order of their importance, the chief manufactures of the State are shoes,

cottons, woollens, iron, and paper. A network of railways stretches across the State, which is almost as famous for its good roads and sign-posts as for its two and a half millions of apple-trees. The making of electrical equipment is a new and thriving industry. A notable chapter in this progress of power and the mastery of Nature's material and forces has been written by Massachusetts men, among whom we may name Rumford, Scholfield, Elias Howe, Samuel Williston, and scores of living inventors, who have almost made wood, stone, metal, and fibre think as well as toil for man. At first from the sea, and then from the mills of the Merrimack valley, came the wealth of Boston. Water, whether salt or fresh, has always been made to serve the State. The Merrimack is the father of many towns. Longfellow has glorified honest toil, and Whittier sung the songs of labor.

Yet, brilliant and solid as is her reputation in things material, this Commonwealth has other glories in which she excels. Her mark on the nation has been deepest in intellectual and moral achievements. She has led in religion, reform, education, and literature. The church-spire and the school-house are the pre-eminent features in her landscapes. The free common school system

sustained by public taxation is almost coterminous with her history; while in its development, Massachusetts has ever stood foremost among the States in the national commonwealth. Besides her graded, high, normal, agricultural, scientific, technological, professional, and special

schools, her colleges and universities, for both sexes and all classes, her women's colleges,—Wellesley, Smith, Mount Holyoke,—women's clubs and open avenues for woman's work and advancement are notable. The first newspaper, the first "print-



THE BIRTHPLACE OF WHITTIER.

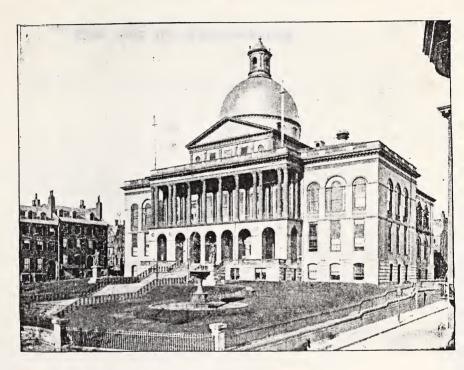
ery," the first translation and publication of the Bible within the limits of the United States, besides other initiatives of lesser note, were at Cambridge or Boston. The Almanac, the Freeman's Oath, the Bay Psalm Book, Eliot's Indian Bible, and the New England Primer, were among the incunabula. From the library brought over by Elder Brewster to Plymouth, to the imposing Boston

Free Public Library on Copley Square, the people have kept their minds well nourished with solid reading. In the number of her public libraries, "free to all," the Bay State leads the world. American literature began at Plymouth, was developed in the coast region and from thence as well as from the Berkshire Hill country has received world-wide recognition. In historiography, Bradford, Winthrop, Hutchinson, Sparks, Palfrey, Prescott, Motley, Bancroft, and Parkman; in philosophy, William Pynchon, Jonathan Edwards, Benjamin Franklin, W. E. Channing, Ralph Waldo Emerson, and Theodore Parker; in poetry, R. H. Dana, Bryant, Longfellow, Lowell, and Holmes; in oratory, Winthrop, Phillips, Brooks; in fiction, Hawthorne, Mrs. Stowe, J. G. Holland; in art, Copley, Stuart, Allston, Hunt, Greenough, Story, and Ball, — with a host of lesser or living names, — adorn the long roll of Massachusetts.

Since the elimination of negro slavery from our national life, and the close of the War for the Union, the population of Massachusetts has doubled, and her wealth increased manifold. In Faneuil Hall, the old Cradle of Liberty, the Robert E. Lee Camp and the John A. Andrew Post have dined together in fraternal reunion, and on Bunker Hill, as one band, the Blue and the Gray

joined in fresh consecration of loyalty to our common country.

In this barest outline of the history of Massachusetts, we have but pointed out the primal elements; it is for



STATE HOUSE.

the visitor to the Columbian Exposition to study the flower and fruit. Refraining from quotation of the Census Report of 1890, and inviting the sons of Massa-

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chusetts from home and from afar, in America or from the ends of the earth, to inspect her material, literary, and educational exhibits, we ask again from them in behalf of the old Bay State the ancestral prayer,—

God save the Commonwealth.

Milliant Comment of the South

[FROM ESSEX INSTITUTE HISTORICAL COLLECTIONS, VOL. XIV, NO. 3.]

THE EXPLORATION OF THE MERRIMACK RIVER, IN 1638, BY ORDER OF THE GENERAL COURT OF MASSACHUSETTS, WITH A PLAN OF THE SAME.

COMMUNICATED BY JAMES KIMBALL.

The history of the first decade of the Colonists at Salem is very obscure. Unfortunately the early records of the proceedings of Gov. Endicott, and the Court of Assistants, at Salem are missing. These records would undoubtedly give a more clear insight into the general policy, and plans agreed upon, for the organization and government of the Colonists upon their arrival at Naumkeag.

The earliest date of the records of Salem commence about 1635. In order to comprehend somewhat of the early life of the Colonists, we must examine the general instructions given to Gov. Endicott for his guidance, by the Court of Assistants of the Company in London.

At a meeting in Feb., 1629, and at later dates measures were adopted, which were from time to time communicated to Gov. Endicott; from these instructions we are led

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to believe, that it was the desire and intention of the "adventurers" whilst keeping in view the great object of their organization, to provide for the common wants of the Colonists, at their own risk. The articles enumerated for the cargo of the first vessel indicate that their wants were but few and simple, and these confined to the common necessities of their daily life; and yet there are no doubts, but that the "adventurers" were encouraged by the hope and belief that they would be more than repaid for their risk in this venturesome undertaking.

They intrusted to Mr. Endicott, goods of various kinds, which he was to traffic with the Indians, for beaver, seaotter, and other furs, which they desired him to ship home on the Talbott, which "was at a charge to them of £150, 00, 0, a month."

The wise precautions taken in relation to the selection of the Colonists, is shown in the minute instructions given to their agents: believing that to be successful and prosperous, the Colonists should be selected with great care; "they say they should be industrious and frugal, willing to be employed in such useful occupations, as would add to their own comfort and prosperity."

In making up their number they selected none but the most reliable and trustworthy, "men who were well reported;" those that were skilled, as mechanics and artizans, with strong and positive characters, men who would not be readily intimidated by dangers of any kind, and who would at once be able by their skill and industry, to insure the permanent success and prosperity of the Colony.

They also required that all who east their lot with them should be submissive to wholesome restraint, suggesting that "coercion is ordered for the fooles back, as necessary as food," and further say: "Wee heartily pray you that all bee kept to labor as the only means to reduce to civil,

yea to Godly life; and to keep youth from falling into many enormities, which by nature wee are all too much enclyned vnto."

For the permanent organization of the Colonists, the General Court in London order: "That thirteen of such as shall be reputed the most wyse, honest, expert, and discreet persons, resident upon the Plantaceon shall have the sole managing and ordering of the government and our affairs there, who to the best of their judgement are to endeavor to settle the same as may make most for the Glory of God, the furtherance and advancement of this hopeful Plantaceon, the comfort, encouragement and future benefits of us, and others the beginners and prosecutors of this soe laudable a worke."

In the selection of John Endicott as their Governor, or chief, they were no doubt governed by the same rigid rules of choice, and in investing him with full executive powers they insured the success of their undertaking. His management of affairs proved him worthy of the trust reposed in him; possessing positive traits of character, unflinching firmness united with great executive ability, he overcame the difficulties that beset him on every side, and succeeded in the accomplishment of the most important trust, ever intrusted to any one person, the laying of the foundation, and shaping the institutions of a New World.

Within ten or twelve years after the arrival of Endicott, the Colonists are represented as being straightened "for want of land." Hubbard, in his history of New England, says that Ipswich was so filled with inhabitants that some of them presently swarmed out to another place a little eastward.

During the same period seven towns were incorporated, viz., Salem, in 1629; Ipswich, 1634; Newbury, 1635; Lynn, 1637; Rowley; Salisbury and Gloucester, in 1639.

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In consequence of the numerous petitions for "Farm lands" measures were adopted in the summer of 1638, to explore the valley of the Merrimack River to the "extreme Northerly" line of the Patent, or Charter granted to the Massachusetts Bay Company. This Charter, if interpreted according to its letter, would have embraced within its limits some of the most desirable portions of the State of New Hampshire.

The records of the Company describe it as follows (Vol. 1, page 1, Mass. Col. Rec.):

"Bounds of that part of New England granted to the Governor and Company of the Massachusetts Bay in New

England.

All that part of New England, in America, which lies, and extends between a great river there commonly called 'Monomack' alias 'Merremack,' & a certain other river there called Charles River, being in the bottom of a certain bay there commonly called Massachusetts bay, & also all and singular those lands and hereditaments whatsoever lying within the space of three English miles on the South part of said Charles River, &c.

And also all & singular the lands & hereditaments whatsoever which lie, & be within the space of three English miles to the Northward of the said river called 'Monomack,' alias 'Merrymack;' or to the northward of any & every part thereof: And all lands &c. lying within the

limit aforesaid, &c., &c."

An examination of a valuable historical paper, entitled "Facts about the Carroll County Kearsarge Mt. of N. H., by the Hon. G. V. Fox," late Assistant See'y of the Navy of the U. S., has led to a more careful investigation of an ancient manuscript plan, found a few years ago amongst the files of miscellaneous papers of the Court of General Sessions of the County of Essex. It is without date or accompanying documents, but bears on its face evidence of its being one of the earliest plans yet discovered.

and the second second second second the state of the s It is endorsed:

"Plat of Meremack River from ye. See up to Wenepesoce Pond, also the Corses from Dunstable to Penny-cook." Jno. Gardner."

I would present a few suggestions in relation to this old manuscript plan, — and reasons for assigning its date as having been drawn previous to 1670, and for claiming it to be the original, or a copy of an original survey that was well known in 1652, growing out of the Order of the General Court in 1639,—without any intention of taking part in the discussion that has brought forth the valuable contribution of Secretary Fox in relation to the location of the true "Kearsarge," but simply to identify this plan as an outgrowth of the enterprise of the early Colonists of Naumkeag, and which may possibly assist in discovering the earliest name and location of this disputed mountain.

It is without doubt the earliest survey yet discovered of Merrimack River from its mouth to its source, giving the courses and distances from Dunstable to Penny-cook, with the lakes and the mountains in the distance.

Its style of description proves it to have been prepared at a very early date, giving the descriptive names of rivers only, and would seem to indicate that the survey was made before the location of the oldest plantation. The names of Dunstable¹ and Penny-cook referred to at that early day to localities embracing from one to two hundred square miles, instead of incorporated towns or plantations.

At what time and by whom Dunstable was first settled is uncertain, but it must have been considerably earlier than the date of the Charter in 1673. Farms are mentloned as then existing. In 1675 orehards are mentioned as then in existence which must have been the growth of years. History of Dunstable, by Rev. C. J. Fox, p. 17.

The eurliest compact settlement of Dunstable, was near the mouth of Salmon Brook. 1bid, p. 25.

The Colonists at Naumkeag had an especial interest in increasing their settlements inland, establishing new plantations at such points as would be most advantageous for trade with, or defense from, the Indian tribes in the unknown regions beyond them.

Their adventurous spirit had led them, from time to time, to petition the General Court, for the locations of new plantations, some of which had been successfully established toward Agawam (Springfield) on the West, Casco Bay on the East; and upon the determination of the General Court to adhere to, and define the northerly line of the Colony, as set forth in the Patent granted to the Gov. & Co. of the Massachusetts Bay, their attention was directed to new locations up the valley of the Merrimack River.

. "Which lie and be within the space of three English miles to the Northward of the said river called Monomack, alias Merymack, or to the Northward of any and evry part thereof, and all land, &c., lying within the limits aforesaid."

For the purpose of determining the Northern Boundary, it was ordered, at a Generall Court at Boston:

6th 7 mo., 1638.

"Goodman Woodward, Mr. John Stretton, with an Indian & two others appointed by the Magistrates of Ipswich, are to lay out the line 3 miles Northward of the most Northernmost part of Merrimack for weh they are to have 5s. a dáy a piece."

May 22d, 1639.

"Goodman Woodward was ordered to have 3£ for his journey to discover the running up of Merrimack; 10s. more was added by order of the Gov. & Dep.

And they which went with him; Tho. Houlet, Sargent Jacob, Tho Clarke & John Manning to have 50s. a peice &c."

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5th 9 mo., 1639.

"The treasurer was ordered to pay John Gardner 20s. for witness charge & carrying Goodman Woodward, his instruments to Ipswich."

The following order was passed 31st of May, 1652:

"North line of ye Jurisdiction.

On perusal of our Charter, it was this day voted by the whole Court, that the extent of the line is to be from the northernmost part of the river Merrimacke & three miles more north, where it is to be found be it an hundred miles, more or less, from the sea and thence upon a straight line east or west to each sea; & this is to be the true interpretation of the termes of the limitt Northward granted in the Patent."

At the same term of the General Court, separate Commissions were appointed; one to determine the latitude of the northerly line at the source or rise of the Merrimack River, the other to determine the corresponding latitude on the sea coast; also to ascertain the true line three miles beyond.

"For the better discovery of the North line of our Patent, it is ordered by this Court that Capt. Symond Willard & Capt. Edward Johnson, be appointed as commissioners to procure such artists & other assistants as they shall judge meet to go with them, to find out the most Northerly part of Merrimacke River, and that they be supplied with all manner of necessaries by the Treasurer fit for this journey, & that they use their utmost skill & ability to take a true observation of the latitude of that place, & that they do it with all convenient speed, & make return thereof to the next session of this Court." Vol. 3, p. 278; also Vol. 4, Part I, p. 98, 109.

"The answer of John Sherman, sergt. at Watertowne, & Jonathan Ince student at Harvard College in Cambridge, to Capt. Symon Willard & Capt. Edward Johnson, commissioners of the Gen¹. Ct. held at Boston May, 27th, 1652,

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concerning the latitude of the northermost part of Merrimacke River.

Whereas we, John Sherman & Jonathan Ince were procured by the aforesaid commissioners to take the lattitude of the place above named, our answer is, that "Aquedahtan," the name of the head of the Merrimacke where it issues out of the Lake "Winnapusseakit," upon the 1st of August, 1652, we observed & by observation found, that the latitude of the place was 43°, 40′, 12″, besides those minutes which are to be allowed for the 3 miles more north which run into the lake." Vol. 3, p. 288.

RETURNE OF THE COMMITTEE ABOUT THE EXTENT OF OUR NORTHERLY LINE.

"Capt. Symon Willard & Cap. Edward Johnson, a Committe appointed by the last Generall Court to procure artists to Joyne with them to finde out the most northerly part of Merremacke River, respecting the lyne of our patent, having procurred Sargeant John Sherman of Water Towne, & Jonathan Ince, student at Harvard College, as artists, to goe along with them, made their retourne of what they had donne, and found, viz.:

John Sherman & Jonathan Ince on their oathes say, that at Aquedahtan, the name of the head of Merremack, where it issues out of the lake called Winnapuseakit, vppon the 1st day of August, 1652, wee observed, and by observation found, that the latitude of the place was 43°, 40′, 12″, beside those minutes which are to be allowed for the 3 miles more north which run into the lake.

In witness whereof, they have subscribed their names, this 19th day of Oct. 1652.

Iur. cor. me.

Jnº. Endecot, Guber^r."

(Vol. 4, Part I, page 109.)

The return "concerning the northermost line of our patent on the seaside, according to ye order of the Genl. Ct."

"Mr. Jonas Clarke & Mr. Samuel Andrews, both well

skild in the mathematicks, having had the commund of ships uppon severall voyges, being appoynted to take an observation at the northerly bounds of or, pattent, vppon

the sea coaste, this returne, as follows:

Our observation taken the 13th, day of October, the place of or, last observation, the altitude of the sun was, according to observation & or, best judgmt, 34d, 34min.; the declination of the sun, according to calculation in England 11d. 39min.; the difference of longitude betwixt this place & England, according to or, best judgmt, is 63d, which in time makes 4 howses & one fifth pt. of a house, which adds to or declination 3 min. & 40 seconds; all which altitude, declination,' & meridionalle difference, being added together makes, 46°, 16', 10", which being subtracted from 90°, gave us to be then in North latitude 43°, 43′, 20", which was 8 seconds to the Northward of or, latitude given, which we measured back agayne uppon a south lyne & there fell in a very playne place, where but few trees but we marked 4 or 5 trees, one of them marked with M B; & att the sea side where the lyne does extend, there lyes a grayish rock at high water marke, cleft in the middle; else, the shore being sand wthout stones, the line runs over the Northermost poynt of an iland, as we judge, not about two or three about the high water marke. The iland is cald the Vpper Clapboard Iland; about 4 of a mile from the mayne in Gasco Bay, about 4 or 5 miles to the northward of Mr. Makworths house. To which returne the p'ties abouesaid subscribed their hands; & Mr. Clarke being absent, Mr. Samuel Andrews, vppon oath testified to the truth herof before the Magistrates in Gen1. Court as follows: You swere by the living God, that the returne you made under yor, hand of the observation you made on the 13th of October on the northerly bounds of or, pattent is true according to the rules of Art and yor. best judgm^t, taken vppo oath, 19th, Oct., 1654."

(Vol. 3, page 361; also Vol. 4, Part I, page 207.)

"The said Commissioners brought in their bill of Chardge, which they expended, and promised on, & to those that went that journey to finde out the most northerly part of Merrimacke, which was 28£12, 10, which the Court

allowed, and ordered that the persons concerned should be satisfied out of the rate according as they were promised; and further doth order the Treasurer to satisfy to Captajno Willard and Captajne Johnson twenty markes a pecce for their pajnes."

Vol. 4, Part I, page 109.

The northern line of the Massachusetts Patent having been established, and the course of the Merrimack River, with its advantages for new plantations becoming so apparent, a number of adventurers in Salem, requested the Selectmen to lay out Penny-cook as a plantation, engaging for the planting of the same.

The reasons set forth in their petition were, "that the town had parted with so much of their soil, as not to have enough for the comfortable support of all its population; and whoever of them should have a new settlement allowed them, would become more helpful to Church and Commonwealth." (Felt.)

This petition was presented to the General Court by the deputies from Salem, May, 28, 1663, and the following order was passed:

Oct, 21, 1663. "In ans" to the motion & request of the deputys for Salem & in theire behalf, the Court judgeth it meete to graunt the inhabitants of Salem, a plantation at Pennicook, of Six miles square, so as there be twenty familyes setled there wthin three years, & on the condicon exprest in a former grant." Vol. 4, Part 2, page 91, Records of Mass.

In the same vicinity there was granted to Gov. Endicott 500 acres of land, in the "wildernesse at Pennicooke," "36 acres of which was on an Island in the said River of Merremacke, which Island lyeth at the very farthest end of that place called Pennicooke," the remaining 460 acres being on the east side of the river with two small Islands of about sixteen poles each, extending into the river.

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A plan of this farm dated 1694, is filed in the Archives of Mass. Book 45, No. 228.

This grant was made May 5, 1664, and confirmed May 12, 1668. (Mass. Rec.)

In 1672. The General Court also grant to Major William Hathorne, of Salem, a tract of one mile square, at or about Penecooke, instead of 500 acres, granted but not located in 1661, "provided it hinder not a township as is exprest in the grant."

Belknap, Hist. of N. H., Vol. 2, page 69, gives us the date of what was no doubt the first full and complete survey of the "Lake Winipiscoge," under date of 1726. It says:

"Mass. had, under the interpretation of her claim for 3 miles North, made a grant to Gov. Endicott of some lands at Pennicooke. A Committe was appointed to go to Pennicooke to confer with a Committe who were then employed in laying out the lands. A survey of Lake Winipiscoge was ordered, that it might be known what number of townships could be laid out independant of the Massachusetts claim." Also Vol. 2, page 106, ibid.

The success attendant upon the introduction of cotton and woollen manufactures into New England, had turned the attention of the most skilled engineers to the perfection of a system of works by which the waste water power of the Winnipiscogee Lake, flowing into the Merrimack River, might be stored up, as a reserved power to be used in times of need. A preliminary examination was made about 1831 or '32 of the Winnipiscogee River, at the outlet of the Lake, preparatory to a survey for the construction of suitable works for the storage of the waste power for the use of the manufacturing establishments dependent upon the Merrimack River and its tributaries, as their chief source of supply.

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This examination brought to light what is now known as the "Endicott Rock;" it is situated above the bridge at the Weirs, head of the Winnipiscogee River, and which, by reason of the improvements below and the many changes wrought by time had caused the river supply to flow back, damming up, and overflowing, what was once established as a monument of the most northerly line of the Massachusetts Bay Company's possessions as described in their Patent.

It is an oblong boulder, surrounded with many others smaller in size, in the bed of the stream. Attention was directed to this work in particular, by its size and its peculiar markings, which on examination proved to be letters.

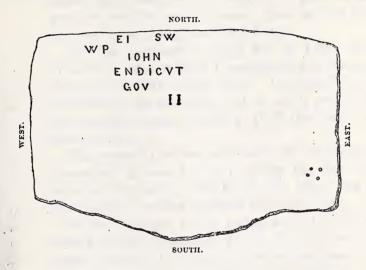
The following sketch of the rock, with its inscription, was furnished me by a gentleman of New Hampshire, well versed in the early history of this region, taken during the dry summer of 1876, when the top of the rock was entirely above water. The top is nearly flat, the south-easterly corner being a foot or more the highest, and slopes to the north-west.

Some portions of the inscriptions are not very distinct, for instance, the (I I ²) near Gov. On other parts of the rock, I find late inscriptions made in 1854.

The top of the rock has been exposed to ice, since the waters of the lake have been raised, and it appeared upon a close examination made in the morning sunlight, that other inscriptions were once upon it, faint traces indicating it to my mind. All over the rock, we find what seems like traces, or remains of what might have been

² I am inclined to think that the "Harvard student," Jonathan Ince, was the "artist" who marked this monument, and that the obscure inscription (I I....) below Gov. was the initials of his name, cut by him on the completion of this survey.

drill-holes, an inch and a half across, very shallow now, in some places nearly all worn out, in others nearly or quite half an inch deep. I was unable to account for these holes, unless these "Artists" put them in all over the rock to mark it, and to render it conspicuous, as so important an object should be. The letters which remain show the "artist" they are well cut, and in a way to show skill, and no doubt when they left it, it was stamped with the record of the latitude, and much more than can now be found.



This is undoubtedly the monument established by the commissioners, Edward Johnson and Symon Willard, to designate the northerly line of the Merrimack River.

The question of the most importance, in a historical point of view, connected with this plan is to determine its date, and the purpose for which it was projected.

It bears on its face evidence of its being the earliest, and is no doubt the very oldest plan yet discovered of the Merrimack River; and with the practical views of the



leading minds of that early period it must have originated in some well matured purpose for the development of the resources of the valley bordering the Merrimack River.

It must be borne in mind that the Governor and several prominent members of the Council of the Massachusetts Bay Co. were located in Salem, which then embraced most of the southern portion of the county of Essex, and that they were anxious to occupy and develop, to the extreme limits consistent with safety, such portions of their grant as would be easy of access; those marked by water communication, being the first selected.

The first Legislative action was in 1638, when the General Court appointed Commissioners to discover the sources of the Merrimack River. Goodman Woodward, with others, was appointed, and no doubt performed the duty assigned them, as in May, 1639, they were paid for their services.

The present plan not only meets all the requirements demanded by such a survey, giving the rivers flowing into the Merrimack, with the ponds, lakes, and mountains beyond, as they appeared at that early day.

It also conforms to the survey made by Willard and others in 1652, as reported to the General Court, which report was more fully explained when they were required by the General Court in 1665 "to give testimony of what they did theire." They say:

"Wee indented wth two Indians well acquainted with Merremack River & the great lake to which wee went; born & bred all their daies thereupon, very intelligent as any in all these parts, as wee conceived.

We covenanted wth them, to lead us vp Merremack R. as far as the River was Merremack R.; when wee come short of the lake about 60 miles, there come two Rivers into, one from the westward of the north, & the other from northward of the East:—The westerly river to me

as I then thought, was bigger than the other; but taking notice of both these rivers & knowing we must make vse but of one I called the Indians to inform us which was Merremack River; their answer was, the River which was next unto vs, that came from the easterly point, which river wee followed unto the Lake.

Witness our hands this 17th of the 3 mo., 1665.

Symon Willard, Edward Johnson.

Attested on oath before the Gov. & Magistrate assembled in Gen!. Ct.

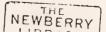
As attests Thomas Danforth per order."

There can be no doubt about that part of the plan giving the "Corses from Dunstable to Pennicooke," as having been drawn between 1660 and 7, by John Gardner, who was at that time a resident of Salem.

The fact that Gov. Endicot and Major Hathorne having a landed interest, and both of them magistrates of the General Sessions of the Peace, may account for the plan being on the Court Files.

The next question to be determined is, who was Jn° Gardner, whose name is affixed to this plan, or survey; and can be be identified?

From a careful examination of all available documents, we are satisfied that he was the son of Mr. Thomas Gardner, who removed with Conant from Cape Aun in 1626, and had a settlement in Salem on the arrival of Endicott in 1628. Thomas was one of the first overseers at Cape Aun; one of the original members of the First Church in Salem; made a freeman in 1637, and elected a Deputy to the General Court the same year. He was for many years prominent in the administration of the public affairs of the town. He had a grant of 100 acres of land at the head of the North River, which from time to time was increased by other grants so that at his death, in 1674, it comprised several hundred acres.



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²John Gardner, the son of ¹Thomas, is supposed to have been born before his arrival at Cape Ann; dying in 1706, at the age of 82, making his birth 1624, without any allowance for the uncertainty of the early record of arrival, and was the first, and until after 1653 the only, John Gardner that can be found in our records. He married the daughter of Capt. Joshua Grafton, of Salem. Their son, the 2d John, was born the 20, 12 mo., 1653.

The first time the name appears in our Mass. Coll. Records is under date of 5th of 9mo, 1639.

We next find at a meeting of the town assistants: 25th 11mo, 1642.

John Endicott and Thomas Gardner, being present, granted unto Richard and John Gardner, each of them a ten acre lot at Mackerell Cove. His name is frequently mentioned with others in laying out of lots and measurements of land in Salem.

1657. Jno. Gardner with others, were desired to join with Lynn to run the line from the sea to the great pond, etc. (Boundary between Salem and Lynn.)

1659. "Mr. Walter Price, Mr. Joseph Grafton & John Gardner, did seual tymes take contribution of those that were free in it, and sett down from their mouths what they voluntaryly gave for that end," for the procuring of a house and land for Mr. Jno. Higginson, our Pastor. Essex Hist. Coll. Vol 5, p. 272.

1660. Jno. Garduer of Salem was employed to run the bounds between Boston, Charlestown and Lynn. The report of his doings is handed down to us in a suit between the town of Lynn, vs. Thomas Brown, in case of trespass the following testimony was put into the case.

"Mr. John Gardner of Salem, being desired by the Selectmen of Lynn to Run the bounds betwixt Bostone, Charlestowne and Lynn vppon a Nor. Norwest lyne, from the middle of Bride's brook vppon the foote Bridge by Mr. Bennitts, by a Meridian Compass, he the sayd John

Gardner testifieth That the farme house which they call Roger Tylers is about One Hundred, or Sixscore Rods with in the sayd Lyne, and that house the call Ensigne Bancrofts is about One Hundred or Sixscore Rods, and the field the call Mst. Lyndall' field which lyeth of to the Norwestward of his farme house is wholly within the same Lyne.

Per me John Gardner.

This Lyne was run in the year, 1660, as appears by the Towne Books.

Vera Copia taken out of the Origginall under Mr. John Gardners hand.

Attest John ffuller Town Clark."

In Mansfield *et al* of town of Lynn, vs. Thomas Brown, in suit for trespass in 1682, the above certificate was put into the case.

1663. ¹John with his brother Samuel were owners of one-half of the new corn mill in Salem built in 1663. ⁴ of his Water mill at Salem left by will to his Grandson ³John Gardner," son of ²John who probably died before his father.

. Richard Gardner brother of John appears to have settled in Nantucket about 1666.

The Essex County Court Records indicate that Richard and his wife sympathized with the doctrines of the Quakers, being both of them frequently fined for absenting themselves from the "Public Worship of God." At the County Court held in 1667, the Court remitt "½ of the fine of 40s. against the wife of Richard Gardner because she had removed out of the jurisdiction to dwell."

It would appear that through the influence of Richard, a vote was passed by the authorities of the town inviting John and his family to settle amongst them, as appears by the following proceedings:

August, 1672.

"The Freeholders, inhabitants, purchasers & Associates

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of the Island of Nantucket, grant unto Mr. John Gardner, of Salem, Mariner; A Seamen Accomadation, with all Appurtenances belonging unto it, as fully as the other Seamen & Tradesmen have in their former grants, upon condition that he come to Inhabit and to set up the trade of fishing with a sufficient vessel, fit for the taking of Codfish, &c., &c." Nan. Rec., Book 1, page 31.

The proviso attached to the proposed grant was "that the sayd John Gardner to be here with his family before the last day of April, 1674."

In 1676. "John Gardner now of Nantucket, conveys land in Salem to Dr. Barton and John Saunders." This land was situated near the present corner of Essex and Herbert streets. (Essex Reg. Deeds.)

Soon after the arrival of John in 1673, the following vote was passed by the Freeholders.

"Richard Gardner & his brother Capt. John Gardner had license granted them to buy land on Nantucket of the Native Indians." (Provincial Rec. of New York.)

In 1673, John was appointed by Francis Lovelace, Gov. of New York, "to be Captain of the Foot Company in Nantucket."

He was also appointed Chief Magistrate of the Island in 1680, 2, and 4. After the transfer of the Jurisdiction of Nantucket to Massachusetts Bay Colonies, in 1692, he was appointed Judge of Probate, holding the office at the time of his death, in 1706. He represented the town of Nantucket in the General Court, in 1692–3. Was Tax Commissioner for Martha's Vineyard and Nantucket for the years 1692 and 1693. (Province Laws, Vol. 1, p. 93.) Appointed a special Justice to try Strabo, an Indian of Nantucket, for the murder of his wife Margaret, in 1704.

Judge Gardner died in 1706. His grave stone, the old-

est on the Island, is about a mile west of the present town in the ancient burying ground near Maxey's Pond, but very much defaced. Its original inscription was:—

"Here lies the Body of John Gardner, who died May 6, 1706, Aged 82 years." - There is a second of the sec

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SENATE No. 279.

Commonwealth of Massachusetts.

IN SENATE, May 30, 1867.

The Committee on the Library, to whom was referred an Order to inquire into "the expediency of directing the Secretary of the Commonwealth to obtain from the Massachusetts Historical Society any books, papers or documents now in their possession, the property of the Commonwealth," having carefully considered the same, respectfully submit the following

REPORT:

The following facts appeared in evidence before the Committee. The documents probably referred to by the Order are certain volumes known as the "Hutchinson Papers." These papers, when Governor Hutchinson's property was sold at auction, having been confiscated, were secreted in a bed and sold. After their discovery and the fact was made known, they were repurchased by the State at a cost of fifty pounds. They were placed with the other records in the department of the secretary of the Commonwealth, and remained there until 1820, when Mr. Bradford, then secretary, and also a member of the Historical Society, carried the papers which makes the first three volumes, and gave them to the society. In January, of 1846.

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Mr. Palfrey, then secretary, and likewise a member of the society, having his attention called to the fact, wrote a letter to the officers of the society, desiring their return. Receiving no answer, he wrote again, in January, 1847, and also in July of the same year. No notice whatever was taken of these letters, and so the matter rested until 1858. In the secretary's report of 1848, reference is made to these letters, copies of which are subjoined to this Report. (See House Doc. No. 2 of 1848.)

In 1858, the legislature by a Resolve directed the secretary of the Commonwealth to prepare and cause to be printed the New Plymouth Records. (See chap. 41 of Resolves of 1858.) Mr. David Pulsifer was appointed, and in prosecution of that work desired to examine these papers. He went to the library of the Historical Society and requested permission to use them for that purpose; but his request was refused in pursuance of a rule of that society. He was therefore subjected to the disadvantage of making his record without the aid of valuable information contained in those papers. Last February, Mr. Dawson of New York desired to print the sermon of Rev. John Wheelwright, contained in the "Hutchinson Papers,"—a sermon of considerable historical value and importance—but for a long time was unable to obtain a copy.

These papers, relating to the early history of the colony, extending over a period of thirty years, and transferred by mistake from the custody of the State to that of a society having no right to them, the Committee unanimously believe ought of right to be returned. This the Historical Society are not only unwilling to do, but even refuse an officer of the Commonwealth, whose property they are, when appointed to complete its early records, access to their information. The later manuscripts are still in the custody of the State, and these are needed to render our archives complete.

Besides, the "State House" being fire-proof, while the building used by the society is not, is a far safer repository for such valuable documents, valuable alike as a part of the State's history and as containing information which ought of right to be accessible to any person desirous of examining their contents. In the custody of the Historical Society, they are closed to those who may desire their perusal when in the possession of the State, they would be within the reach of all.

Believing that they are clearly the property of the Common-wealth, the Committee think they should be returned.

The society was notified of the meeting of the Committee, but did not see fit to appear.

They therefore, report the following Resolve.

Per order,

CHAS. J. NOYES, Chairman.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-Seven.

RESOLVE

Concerning the "Hutchinson Papers."

Resolved, That the governor be directed and enjoined to take such steps as to him seem necessary and proper to procure the immediate restitution of the books, manuscripts and other documents now in the possession of the Massachusetts Historical Society belonging to the Commonwealth.

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Commonwealth of Massachusetts.

SECRETARY'S OFFICE, BOSTON, January 1, 1846.

To the President and Fellows of the Massachusetts Historical Society.

Gentlemen:—In the course of some recent proceedings for the completion and arrangement of the ancient papers in this office, my attention has been drawn to three volumes called the "Hutchinson Papers," now in the library of the Historical Society. I suppose these papers to have come into our library by mistake, and to be the property of the Commonwealth.

They are referred to in the record of the meeting of the Historical Society on the 27th day of January, 1820, as having been "presented to the society by the permission of the governor and council." I have had a careful examination made of the council records of the period, and do not find any proceedings of the governor and council to this effect. Nor would it have been within the constitutional competency of the executive department of the government. Such a disposition of the papers could only have been made by an Act or Resolve of the legislature, and no law so disposing of them appears to have been passed.

I have very respectfully to request that an examination may be made into these facts, in order that, if they, and my opinion founded upon them, be confirmed, the society may take measures for restoring the volumes in question to the custody of this office.

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SECRETARY'S OFFICE, BOSTON, January 19th, 1847.

To the President and Fellows of the Massachusetts Historical Society.

Gentlemen:—In the month of January last I made a communication to your society, representing that in the course of some proceedings for the completion and arrangement of the ancient papers in this office, my attention had been drawn to three volumes called the "Hutchinson Papers," now in the library of the Historical Society, and that I supposed these papers to have come into our library by mistake, and to be the property of the Commonwealth.

I added that they were referred to in the record of the meeting of the Historical Society on the 27th day of January, 1820, as having been "presented to the society by the permission of the governor and council," and that I had had a careful examination made of the council records of the period, and did not find any proceeding of the governor and council to this effect. And I suggested that it would not have been within the competency of the executive department of the government, the papers being subject to such a disposal only by an Act or Resolve of the legislature, and no law so disposing of them appearing to have been passed.

I accordingly requested that an examination might be made into the facts, in order that if they, and my opinion founded upon them, should be confirmed, the society might take measures for restoring the volumes in question to the custody of this office.

Not having received any reply to this application, I ask permission respectfully to repeat the request, that it may receive the attention of the society.

I have, &c.,

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SECRETARY'S OFFICE, BOSTON, July 27, 1847.

To the President and Fellows of the Historical Society.

GENTLEMEN:—On the nineteenth day of January last, I made a representation to the Historical Society respecting certain manuscript volumes entitled the Hutchinson Papers, supposed by me to belong to the archives of the Commonwealth, and to have been placed in the library of our society by mistake. May I respectfully ask to be informed of the decision or action had by the society on this subject.

I have the honor to be, gentlemen, with great respect,

Your obedient servant,

JOHN G. PALFREY.

Extract from the Annual Report of Hon. John G. Palfrey, Secretary, January 5th, 1848.

[House Document, No. 2, 1848, page 9.]

Entertaining the opinion that certain writings, called the "Hutchinson Papers," formerly in this office, were transferred to that collection through a mistake, I have made applications to the society to have the subject considered, in order that if my impression should prove to be well founded, the papers might be restored to the custody of the Commonwealth. I have received no reply to the applications, nor has anything come to my knowledge to change my opinion on the subject. My views, and the manner of presenting them, are on record in the letter-book of this office, under the dates of January 1st, 1846, and January 19th and 27th, 1847.

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HOUSE No. 150.

Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT, BOSTON, March 19, 1868.

To the House of Representatives.

By a Resolve, chapter eighty-five, of the year eighteen hundred and sixty-seven, concerning the "Hutchinson Papers," the Governor was requested to ascertain whether any books, manuscripts or other documents now in possession of the Massachusetts Historical Society, are the property of the Commonwealth; and to take such measures as he might deem proper to determine the question of title and procure the restoration of the same to the Library of the Commonwealth; and report to the present General Court the results of his action under the Resolve.

I inclose herewith copies of the correspondence which has occurred between the Executive and certain officers of the Historical Society relative to this subject. It will be perceived from the communication of Messrs. Ellis, Parker and Washburn that the title of that society to the papers in dispute rests upon allegations which it is not in the power of the Executive to controvert without a thorough investigation, which it is more practicable for the legislature than this Department to pursue.

I therefore respectfully suggest that all the facts necessary to a just conclusion in this matter can be best ascertained upon an investigation made by a legislative committee clothed with power to send for persons and papers, and to examine witnesses under oath. This power seems essential in a case like the present; but the Governor does not possess it under our laws.

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Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT, BOSTON, Jan. 10, 1868

To Col. Thomas Aspinwall, Vice-President of the Massachusetts Historical Society, Boston.

DEAR SIR:—In the absence of the President of your society, the Hon. Robert C. Winthrop, I have the honor to address this communication to you as its official representative.

By the Resolves of 1867, c. 85, the legislature of the Commonwealth requested me to ascertain whether any books, manuscripts, or other documents now in the possession of the Massachusetts Historical Society are the property of the Commonwealth, and to take such measures as he may deem proper to determine the question of title, and procure the restoration of the same to the library of the Commonwealth; and to report to the present legislature the result of my action under the Resolve.

From such information as I have been able to obtain, the Massachusetts Historical Society have in their possession certain papers known as the "Hutchinson Papers," which are the ones referred to in the legislative Resolve, and which were at one time the property of the Commonwealth. I am not aware of any way in which the title of the Commonwealth has ever been divested.

In order that I may discharge my duty to the Commonwealth, I request of you to inform me whether the Massachusetts Historical Society has such books, manuscripts or other documents, referred to in the Resolution of the legislature in its possession; if so, to give me a statement in detail of what they are; and to inform me by what title, if any, the Society claims to hold them.

I have the honor to be, very respectfully, Your obedient servant,

(Signed,)

ALEX. H. BULLOCK,

Governor of Massachusetts.

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Boston, January 13, 1868.

To His Excellency Alexander H. Bullock, Governor of the Commonwealth of Massachusetts.

SIR:—In reply to your Excellency's letter of the tenth instant, addressed to me, as Vice-President of the Massachusetts Historical Society, I have the honor to state that the subject of the "Hutchinson Papers" is now under consideration by the proper committee of the Society, who will shortly report the result of their investigations.

I hope to place their report in your Excellency's hands at an early day.

I have the honor to remain,

With greatest respect,

Your Excellency's most ob't servant,

(Signed,)

THOS. ASPINWALL, Vice-President of the Mass. Historical Society.

Massachusetts Historical Society, Boston, February 13, 1868.

To His Excellency Alexander H. Bullock, Governor of the Commonwealth of Massachusetts.

Sin:—In the accompanying letter, addressed by the Massachusetts Historical Society's Committee on the "Hutchinson Papers" to your Excellency, I have the honor to transmit their report in relation to those papers, as intimated in my letter of the thirteenth of last month.

I have the honor to remain,

With greatest respect,

Your Excellency's most ob't servant,

(Signed,) THOS. ASPINWALL,

Vice President of the Mass. Historical Society.

MASSACHUSETTS HISTORICAL SOCIETY.

At a stated monthly meeting of the Massachusetts Historical Society, on the 13th day of February, 1868, Col. Aspinwall in the chair, it was

Voted, That the report of the committee on the subject of the "Hutchinson Papers," read this day, be accepted.

Voted, That that part of the report which is expressed in the form of a letter to His Excellency, the Governor of the Commonwealth, be adopted by the society as their answer to the communication of His Excellency, of the 10th of January last; and that a copy of the same be transmitted to him by the acting president of the society.

Attest:

CHARLES DEANE, Recording Secretary.

Boston, February 13, 1868.

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HUTCHINSON PAPERS.

MASSACHUSETTS HISTORICAL SOCIETY, February 13, 1868.

To His Excellency Governor Bullock.

The undersigned, a Committee appointed by the members of the Massachusetts Historical Society, have the honor to address your Excellency in reply to a communication received from you in reference to certain historical papers in the possession of the society, which, it is intimated, may be the property of the State, and therefore reclaimable by it.

Your Excellency refers to a Resolve of the legislature of 1867, chapter 85, requesting you "to ascertain whether any books, manuscripts, or other documents, now in the possession of the Massachusetts Historical Society, are the property of the Commonwealth; and to take such measures as the governor may deem proper to determine the question of title, and procure the restoration of the same to the library of the Commonwealth, and to report to the present legislature the result of his action under this Resolve."

Your Excellency adds, that, as the result of such information as you have obtained, you conclude "that the Massachusetts Historical Society have in their possession certain papers, known as the 'Hutchinson Papers,' which are the ones referred to in the legislative Resolve, and which were at one time the property of the Commonwealth. I am not aware of any way in which the title of the Commonwealth has ever been divested."

Your Excellency therefore asks to be informed whether the Massachusetts Historical Society has such books, manuscripts, or other documents referred to in the Resolution of the legislature, in its possession; if so, that the society give you a statement in detail of what they are, and inform you by what title, if any, the society claims to hold them.

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The undersigned, fulfilling their commission, and seeking most respectfully to meet with full candor of reply your Excellency's question, might suggest that the indefiniteness and vagueness of the description of the alleged property of the Commonwealth, supposed to be improperly in the possession of the society, embarrasses their answer.

Whatever, among the masses of the manuscripts in the society's cabinet, might have happened at any time, fitly or unfitly, by accident or by carelessness, to have been disposed either in loose files, or collected in volumes; and whatever bound volumes might have been arranged in print or manuscript on the shelves, under the designation of "Hutchinson Papers,"—would seem to be included under the vague and undefined terms of the legislative Resolve, and of your Excellency's description.

In connection with this remark, the Committee would beg leave to refer—not without surprise at the sweeping, unqualified and wholly untenable character of the assertion—to a sentence in the report of the library committee of the legislature, May 30, 1867, on which followed the Resolve quoted by your Excellency. In that report it is recited that the State came into possession, by purchase, of certain volumes known as the "Hutchinson Papers," and affirmed that they "were placed with the other records in the department of the secretary of the Commonwealth, and remained there until 1820, when Mr. Bradford—then secretary, and also a member of the Historical Society—carried the papers which make the first three volumes, and gave them to the society."

The seemingly greater definiteness of the matter of the assertion in this report is reached by an assumption and an inference which, we respectfully suggest, are wholly unwarranted, and may be most successfully invalidated by a statement of facts on record, and by legitimate inferences to be deduced from them.

. The report assumes that, previous to 1820, there was a certain series of volumes, or of documentary materials for volumes, in the archives of the State, obtained by purchase; and that the papers which represent the first three volumes of that series were taken, by his own proper motion and without warrant, by a gentleman who was at the same time both secretary.

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of the Commonwealth and a member of the Historical Society, and were "given" by him to that society. The inference is drawn that certain "Hutchinson Papers" now in the possession of the society constitute that unwarranted "gift."

In replying to your Excellency's questions, the undersigned take the liberty of also keeping in view the above statement, and of meeting its assertions; hoping in this way to offer a full explanation of all the facts of the case within their knowledge, and a justification of the right of the society to the property in question which it now holds.

They believe that all the grounds and evidence on which the supposed claim of the State to the Hutchinson Papers in the society's cabinet rests, are drawn from entries in our own records. They do not understand that the Commonwealth has any inventory, schedule, or calendar of such papers once in its archives which can be identified, by title, contents, or definite description, as now in the society's possession; nor that there is any entry, in the journals of the State, of any transfer, loss, or known date of the disappearance of such papers from its archives.

The records of the society supply the sole ground of the supposed claim, which is the matter of your Excellency's question, as will appear from the following statement: In January, 1846, the Hon. J. G. Palfrey, being Secretary of State, and also a member of the Historical Society, found in its record of meetings and proceedings this entry, under date of October 28, 1819:—

Voted, "that the letters found among the papers of Governor Hutchinson, and communicated by Mr. Bradford, be referred to the publishing committee."

There is also the following entry, at the next meeting of the society, January 27, 1820:—

"The additional letters found by Mr. Secretary Bradford among the papers of Governor Hutchinson, and presented to the Society by the permission of the Governor and Council, were referred to the Publishing Committee."

The following letter of Mr. Bradford accompanied the parcel of letters, &c., last referred to:—

"Jan. 27, (1820.)

"Dear Sir: I send some very old letters and papers, selected from the files left by Gov. Hutchinson, with a list of them.* Some of them have been printed in Hazard, and some in Hutchinson. But many of them were never printed, and are valuable. I have obtained leave of the Council to present them to the Society. They are no part of the files of the Secretary's office.

"Yours,

"A. BRADFORD."

Addressed to "Rev. Dr. Holmes, Cor. Sec'y of the Society. Present."

The records indicate that two additional parcels were received from the same source. On the strength of the supposed evidence thus furnished by these entries in the society's records, Secretary Palfrey inferred that the contents of three volumes in the cabinet, labelled "Hutchinson Papers," were the property of the State, and had been unwarrantably either abstracted or alienated from its archives. Accordingly, in the exercise of what he regarded as his official duty, he addressed to the society, under dates of January 1, 1846, January 19, 1847, and July 27, 1847, three communications on the subject. Though his action was not, at the time, accompanied or followed by any legislative process, the present inquiry is made to proceed upon it.

Your Excellency's question will be substantially answered, so far as our means of information will allow, by an account of the volumes in the society's cabinet, entitled the "Hutchinson Papers"; a sketch of their contents; a reference to the sources from which they were derived; and by a comparison of them with the contents of the volumes in the State archives, with which the committee of the legislature supposed them to constitute, before 1820, a connected series.

The most recently acquired of the "papers" once belonging to Governor Hutchinson, or loaned to him to be used in his historical labors, have been in the possession of the society but one or two years short of half a century. Some of them have been in the cabinet since 1791. They have been contributed from many sources, in answer to appeals resulting from a design

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^{*} This list having served its purpose, appears not to have been preserved, for it is not on file.

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referred to in the following extract from the society's records under date April 9, 1791:—

"The Committee who were appointed to inquire what collections could be made towards forming an Historical Library, delivered in lists from each member, as on file."

By a vote of the society in 1822, the late Hon. B. R. Nichols procured a mass of these papers, acquired at many times and from various sources, to be arranged, indexed and bound, in three folio volumes, and labelled "Hutchinson Papers." They contain between two and three hundred distinct documents, of the most varied and miscellaneous character and contents.

These number 466 folios, of which 170 folios are letters, and their addresses. Not one of them is in the handwriting of Gov. Hutchinson. Only six of them are of later date than 1724, and only eleven them of later date than 1700. Only a very few of them indicate that they ever belonged to Gov. Hutchinson, though that most of them had once been in his possession might properly be inferred by a reader of his History of Massachusetts, and from their soiled appearance, occasioned by a fact soon to be mentioned. Indeed, the papers themselves are evidence that their rightful original or inheriting owners belonged to at least four generations. As will presently appear, they have not even the most remote connection with the other collection of Hutchinson Papers in the archives of the Commonwealth.

Most of these papers bear marks of having been crumpled, soiled by mud, and trampled upon. They are evidently in good part the papers referred to by Hutchinson in the preface to the first volume of his history, in which he says: "Many ancient records and papers came to me through my ancestors, who for four successive generations had been principal actors in public affairs; among the rest, a manuscript history of Mr. William Hubbard. I made what collection I could of the private papers of others of our first settlers."

This manuscript copy of Hubbard's History, referred to by Hutchinson, was the only one in the country. It was in the possession of the Historical Society in 1791, as appears by their "Introductory Address" to the public in the first volume of

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their published collections, 1792. The society acknowledges that "this precious relic was among the rich contributions furnished by Rev. Dr. John Eliot, from his invaluable collection of the treasures of American history and antiquities." (2 Hist. Coll., Vol. V., Prefatory Notice.)

Dr. John Eliot, then, had in the last century presented to the society one very valuable manuscript that had been in the possession of Gov. Hutchinson, and had bestowed that among other "rich contributions." What were these? How came he by them? Do not the present "Hutchinson Papers," in the possession of the society, probably include very many of them, and justify the Committee's referring your Excellency to Dr. Eliot as one of the sources from which they were derived? It is not, indeed, in their power to give a list, by titles and specifications, of these "rich contributions" by Dr. John Eliot. The records previous to 1813 made such detailed specification only of the gifts of persons not members of the society. Those of members were mentioned only in lists made out by the donors, severally, which lists were put on file, and the files are now lost. the fact that Dr. John Eliot's gift included the manuscript of Hubbard, known to have been in the hands of Hutchinson, and not afterwards challenged as at the rightful disposal of the donor, leads us to conclude that other Hutchinson manuscripts came to us through the same channel. If it be asked how Dr. John Eliot came into possession of them, the following statement may help toward an explanation.

In the preface to the second volume of his History of Massachusetts, (first published in 1767,) Gov. Hutchinson refers to the odium, "the unaccountable jealousy which had been infused into the minds of the populace" against him and his administration, and says that "being thus misguided, they expressed their resentment and rage by breaking into my house, destroying and scattering all my furniture, books, papers, &c." This was the work of the mob that sacked his house in Boston on the evening of August 26, 1765. He gratefully acknowledges compensation for his loss, so far as it was reparable, by a generous public grant; "but," he adds, "the loss of many papers and books in print, as well as manuscript, besides my family memorials, never can be repaired. For several days I had no hopes of recovering any considerable part of my History,

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[meaning the manuscript of his second volume,] but, by the great care and pains of my good friend and neighbor, the Rev. Mr. Eliot, [Dr. Andrew Eliot, the father and predecessor of Dr. John Eliot,] who received into his house all my books and papers which were saved, the whole manuscript, except eight or ten sheets, were collected together, and although it had lain in the streets, scattered abroad several hours in the rain, yet so much of it was legible as that I was able to supply the rest, and transcribe it. The most valuable materials were lost."

From this statement by Governor Hutchinson, it would appear that from among these mud-stained papers received for protection by Dr. Andrew Eliot, he reclaimed the manuscript of his second volume, to the subsequent fortune and present refuge of which, reference will by and by be made. For anything that is said to the contrary, we may infer that he left the other papers in the keeping of his friend, as a safe depository of historic treasures, from whom they passed into the hands of his son, Dr. John Eliot, not as public property, but as documents appropriate for an historic cabinet, whenever there should be one at hand.

Of other papers described by the governor as among "the most valuable materials" which "were lost," traditionary reports lead us to believe that some, at least, were picked up from the mud, found a safe, if not an appreciative keeping with various individuals, and, together with the mass of the papers in the charge of Drs. Andrew and John Eliot, reached the cabinet of the Historical Society.

It is very certain that Hutchinson himself never regained possession of all his lost papers; and it is probable that the larger portion of those which had been in his house in Boston, which were saved at all, never came into his hands again. The appearance and condition of the present collections substantiate this supposition.

In beginning the publication of a selection from the papers which had thus come into the possession of the Historical Society, the publishing committee of the second series of collections, Vol. 4, says, on page 181, by way of preface:—

[&]quot;By direction of the Governor and Council of this Commonwealth, the Secretary of State has deposited with the Massachusetts Historical

Society a large collection of documents, public and private, which appear to have been used by the late Thomas Hutchinson, Esq., Governor of His Majesty's Province of Massachusetts Bay, in the composition of that History, which will probably continue to be the best narrative of any of the settlements on this continent. Several of these papers are printed in the collection of papers by Hutchinson, sometimes called the third volume of his History.

"Those here printed have been transcribed with great care, by gentlemen of experience in the chirography of the different periods of their date. In succeeding volumes, other pieces may enrich our collection."

Here, certainly, was a frank avowal of the source whence the society had derived same of the miscellaneous papers which, by purchase, or by loan, or by discovery, or by having been used by Hutchinson, had been called by his name.

It may be noted that the gift which Bradford, in his letter, affirmed that he made to the society by "leave of the Council" is, in the above prefatory note in the collections, said to have been made "by direction of the Governor and Council." This discrepancy of statement the Committee has no means of explaining. It may have been simply an inadvertence of one of the publishing committee. But this frankness of avowal in print is utterly inconsistent with any supposition of a surreptitious or unauthorized transfer of the papers from the State archives to the society's cabinet.

The assertion of Secretary Bradford, above quoted, that the papers sent by him "are no part of the files of the Secretary's office," draws a distinction between them and certain other papers of Hutchinson's, in his charge, which did belong to his files. What these other papers were, and how distinct their character, by what means and for what use the State had obtained them, and the reason's which influenced the governor and council to regard the public archives as the proper depository of them, will soon be made satisfactorily to appear. It is to be remembered and considered that Governor Hutchinson is known to us in the twofold character of a writer of history and a Royal Governor of this Province. Papers bearing his name derive their value and interest from both those employ-The collection of "Hutchinson" documents in the ments. archives in the State house, is in four thick folio volumes. The first three of these, labelled "Hutchinson Correspond-

ence," contain about 1,500 letters, the greater part of them written by Governor Hutchinson, the remainder addressed to him, dated, the earliest in 1761, the latest in 1774; with a few fragmentary accounts of legislative proceedings and popular commotions, from his own pen. The fourth volume, labelled "Hutchinson's MS. History, etc.," contains the manuscript of the first part of volume second of his History, a long letter without address, copies of some documents relating to the witchcraft trials-all these in his own hand-writing-and a copy of his commission as governor, not in his hand. The manuscript of his history is torn, trampled and mud-stained. The other papers are not. The manuscript of his history having been restored to him as before stated, by Dr. Andrew Eliot, had enabled him to put the work into print in 1767, and had remained in his possession, separated, as may be inferred, from other papers once in his keeping. On June 1, 1774, Hutchinson, having been superseded as governor by General Gage, made his hurried flight to England. Expecting shortly to return, he left his house on Milton Hill, where he had been residing, with its contents undisturbed, in the care of his The public authorities did not meddle with his property till after the battle of Lexington, April 19th, 1775. His estate was confiscated by an Act of the legislature. This, however, did not of itself give the State a title to his property, but simply instituted a process like administration. But there is abundant evidence that the house had been entered, and books and papers removed, without authority from anybody, in that interval, because sundry persons in the neighborhood were in the possession of the letter-books and other papers when the committee of safety ordered General Thomas, on the 29th April, 1775, to take possession of the Hutchinson Papers.

Sundry trunks containing papers were found in the possession of Col. William Taylor, who lived about a mile from the house, and who is supposed to have been a friend of Hutchinson, and who had probably removed them to his own house, when he found they were not safe where they had been left. The letter-books were found in the hands of Capt. Hugh McLean, or his brother-in-law, Mr. John Boies, and those were the most eagerly sought for, as they were expected to implicate the governor in the obnoxious measures of the British government.

It was said at the time that these were found secreted in the sacks of beds. They were delivered up, and the State paid for them £50, as appears by a Resolve of the legislature.

The Provincial Congress appointed committees to examine these documents, and agents to continue the search for more papers. February 3, 1779, the general court passed a special Order to the secretary of the Commonwealth to take charge of these papers. (See Journals of Provincial Congress, p. 224.)

The four volumes of Hutchinson Correspondence, &c., in the State house, were arranged and bound by order of the legislature, about 1841. The interest exhibited by the public authorities in obtaining the papers of the provincial governor, as the above statement indicates, was not at all of an archæological or antiquarian, but entirely of a political character. What papers were purchased by the State does not appear, by any contemporary or any subsequent record. But the fair presumption is, that the volumes in the State house contain them. There is no evidence that the State ever made any other purchase of Hutchinson Papers, or ever received any gift of any such papers. There is no allegation that the State ever had any title or claim, or ever advanced a title or claim, to all the papers which have been obtained by the society, or received from them a common title as "Hutchinson Papers," by being assorted and bound in volumes. The claim set up now for the State can presumably cover only the papers presented by Secretary Bradford. only evidence adduced by Secretary Palfrey, or by any other person, in support of any claim for the State, is a single paragraph in the Records of the Historical Society, in which, however, no particular papers are mentioned so as to admit of being identified. Beyond this record there is not a particle of evidence that any one of the Hutchinson Papers, now in possession of the society, was ever in possession of the State, or of any officer of the State, or in any place occupied by any officer of the State.

This record fails to intimate, much more to establish, any right whatever on the part of the State. It does not even show that the State ever had any possession of the papers. The fact that papers happen to be within the secretary's office, (supposing some that we now have ever to have been there,) unless they relate to the business of that office, or otherwise show that

they pertain to the business of the State, does not show them to be in possession of the State.

That the papers presented by Mr. Bradford, in 1820, may have been in the secretary's office is, perhaps, probable. If so, that they were there without being in the possession of the State, and without any claim of title on the part of the State, is also rendered probable: 1. By the fact that Hutchinson's papers having been scattered in the manner above related, the State, more than ten years afterwards, did not purchase all, and probably but a small part of them, and still possesses what may well be supposed to be the papers thus purchased. 2. By the fact that Bradford, who was a faithful and intelligent officer of the State, having been secretary for twelve years, would never have assumed, even with the consent of the councillors, to give away the property of the State without authority. 3. By the fact that the council of that day would not have given their consent to the alienation of the property of the State, without authority to do so. 4. By the fact that there is no record of any act of the council, and that the record of the society does not purport, to show that any official measure was attempted or assumed about the transfer of any papers. Mr. Bradford was not governor, and of course any consent of the councillors to any act of his, was not supposed to be official. But without what was supposed to be an official act, none of those gentlemen would have assumed to dispose of the property of the State.

Indeed, the letter of Mr. Bradford, copied above, accompanying the papers contributed by him to the society, makes it quite clear that those papers were not the property of the State. His distinct declaration is, that the papers do not belong to the files of his department. But any papers of this description which were the property of the State, would at that day have belonged to the files of his department. There was then no librarian, nor any library, nor any other place of disposal for such papers, the property of the State, except the office of Secretary of State.

Secretary Bradford was himself engaged in writing a history of the State, and the fair presumption is, that these papers had been handed to him by persons, or the descendants of persons, into whose possession they had come after their dispersion by the mob,—not as a gift to the State, but that he

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might use and dispose of them in the proper manner, if they were of any value to anybody. Being secretary of State at the time they were received by him at his office, he may have incidentally consulted the council when met on some occasion of business, as to the proper disposition to be made of them. They agreed with him that such papers had better be given to the Historical Society, rather than to the State, to which they were of little if of any importance. Upon this supposition everything is fair and consistent. But upon a supposition that the State had purchased them, or received them as a gift, how could Bradford say that they did not belong to the files of his department: and how could the councillors assume to act as a council, in a matter respecting which they had no authority?

A supposition that Secretary Bradford and the council of the Commonwealth violated their duty, in 1820, by giving away the property of the State, without any authority, is not warrantable by any circumstances of the case, and is not consistent with the character of those gentlemen. But the present claim of the State is based entirely upon such an assumption.

The society cannot consent to be instrumental in any degree in casting such a reproach upon the memory of those distinguished gentlemen. But this it must do, if it acquiesces in this claim.

If the papers which came to us through Secretary Bradford were at the time supposed to belong to the State, the officers and members of this society, who received them, might also be considered as implicated in an unwarranted transaction. The duty of the society to them is equally clear.

The society cannot, therefore, consistently with its honor, yield to this claim.

The unchallenged possession of these papers from 1820 to 1847, claiming and using them as its own property,—a period in which such claims are ordinarily barred four times over, and more,—furnishes plenary evidence that the possession of the society was, and ever has been, rightful.

And the abandonment of the claim made by Mr. Secretary Palfrey, and its being suffered to sleep for a term embracing more than two other periods of statutory limitation, complete that evidence.

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The undersigned have thus, in the use of the means of information within their reach, offered to your Excellency such answers as they can give to your questions. They think they have indicated the origin and growth of two independent collections of papers, owned or used by Governor Hutchinson. They see no reason for believing that they ever formed one collection, or were contemporaneously in his possession. Still less will the facts warrant the theory that the two present collections once constituted a single series of documents, all in the State archives, and unwarrantably divided so as to "give" the Historical Society the matter of three volumes, the Commonwealth retaining the other four.

The mass of the papers in the society's possession do not appear ever to have been in the charge of the public authorities; they are not related to Governor Hutchinson at all officially, nor do they bear the marks of his ownership. There may be even within the bindings some which he never saw.

Most respectfully yours,

(Signed,)

GEORGE E. ELLIS. EMORY WASHBURN. JOEL PARKER.

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INSERT FOLD-OUT OR MAP HERE!

BOSTON DAILY ADVERTISER,

"HUTCHINSON'S PAPERS."

"HUTCHINSON'S PAPERS."

Three bond volumes of historical manascript letters and papers, upwards of four hundred folios in unmber, written most of them before the beginning of the eighteenth century, have been lately transferred from the library of the Massachusetts Historical Society to the custody of the Commonwealth. The question of the eyenership of these papers has been in controversy since 1846, when Mr. Paffrey, then secretary of state, first ineffectually presented the State's claim to them. Since that time the chain has been repeatedly recovered, and resisted on the past chain the controversy should end by the surrender to the Commonwealth elevation of the surrender to the Commonwealth elevation of the surrender to the Commonwealth selected as artistrator, and upon his decision, communicated to the legislature by the attentory-general, Monday, the books have been placed in the custody of the secretary of the Commonwealth,—the claim in behalf of the State being fully sustained.

Mr. Alden Bradford, secretary of the Commonwealth,—the claim in behalf of the State being fully sustained.

Mr. Alden Bradford, secretary at the Commonwealth spears to be signed and the control of the commonwealth spears to be signed and the control of the commonwealth spears to be signed and the control of the commonwealth of the spears which he had published. Mr. Badford, considering that these formed no part of the records of the Commonwealth, or ancient colory or persone, or the commonwealth of a management of the commonwealth, or ancient colory or persone, or the condition they are not in the condi

HOUSE.... No. 350.

Commonwealth of Massachusetts.

To the Honorable the Senate and House of Representatives in General Court assembled.

The Memorial of David Pulsifer respectfully represents: That by an Act of the general court, passed in the year 1778, "all the goods, chattels, rights and credits, lands, tenements and hereditaments, of every kind of which" Thomas Hutchinson, Esq., and other persons named in said Act, "were seized or possessed, or were entitled to possess, hold, enjoy or demand, in their own right, or which any other person stood or doth stand seized or possessed of, or are or were entitled to have or demand to and for their use, benefit and behoof, shall escheat, enure and accrue to the sole use and benefit of the government and people of this State, and are accordingly hereby declared so to escheat, enure and accrue, and the said government and people shall be taken, deemed and adjudged, and are accordingly hereby declared to be in the real and actual possession of all such goods, chattels, rights and credits, lands, tenements and hereditaments, without further enquiry, adjudication or determination hereafter to be had; anything in the Act entitled An Act for confiscating the estates of certain persons commonly called absentees,' or any other law, usage or custom to the contrary notwithstanding;" a copy of which is hereunto annexed, marked [A.]

And your memorialist further represents, that previous to the passage of said Act, to wit, in the year 1765, books and papers,

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public and private, saved on the evening of August 26th of that year, when the house of Governor Hutchinson was sacked by a mob, were received into the house of Rev. Andrew Eliot, D.D., and were in the possession of Dr. Eliot at the time of the passage of said Act.

In the year 1775, letters, letter-books and papers belonging to Governor Hutchinson, discovered in his house in Milton, were placed in the custody of Hon. Samuel Dexter, of Dedham, and were retained by him until the year 1783, when, by the general court, it was "Resolved, That the said Sam'l Dexter, Dr. William Gordon, and all others who are possessed of any of the said letters of the said Thomas Hutchinson, Esg'r., be and they hereby are required to return the same into the secretary's office without delay," and they were accordingly returned; but the books and papers in the possession of Dr. Eliot appear to have been transferred by his son, the Rev. John Eliot, D.D., to the Massachusetts Historical Society, of which he was a member; and in the year 1820, Hon. Alden Bradford, a member of the Historical Society, then Secretary of the Commonwealth, sent to the same society a large collection of documents, public and private, "selected," as he says, "from the files left by Gov. Hutchinson." In January, 1846, Hon. John G. Palfrey, then Secretary of the Commonwealth, and a member of the Historical Society, in a letter to the president and fellows of said society, says: "In the course of some recent proceedings for the completion and arrangement of the ancient papers in this office, my attention has been drawn to three volumes, called the 'Hutchinson Papers,' now in the library of the Historical Society. I suppose these papers to have come into our library by mistake, and to be the property of the Commonwealth;" and requested that an examination might be made, and the society to "take measures for restoring the volumes in question to the custody of this office." Receiving no reply, he repeated his request in January, 1847, and again in July of the same year, with no better success, copies of which letters were printed in Senate Document, No. 279, of 1867, hereto annexed.

In 1859, your memorialist, having been appointed by the Secretary of the Commonwealth, under a Resolve of the general court, to superintend the printing of the Plymouth Colony Records, requested of the Historical Society the privilege of

using these volumes in the secretary's office, and received from the president of the society the following reply:—

"Pemberton Square, 28 April, 1859.

"Dear Sir,—Our rules are peremptory and unchangeable about taking out our MSS. volumes.

"But the society granted leave for you to obtain anything which you might desire, in the way prescribed by our rules and under the direction of the standing committee.

"Gov. Washburn, Mr. Charles Deane or Dr. Robbins will give you more particular information, on your applying to them, or either of them.

"Yours resp'y,

"ROBT. C. WINTHROP.

"Mr. Pulsifer."

The effect of which was to deprive your memorialist of their use, which would have been of great benefit while printing the the Acts of the Commissioners of the United Colonies of New England, as they contain original minutes of the commissioners, and other documents and papers belonging to the files of the general court.

By Resolve, chapter 85 of 1867, the governor was requested to take measures to ascertain whether any books, manuscripts or other documents in possession of the Massachusetts Historical Society are the property of the Commonwealth, and to procure the restoration of the same to the library of the Commonwealth. The action of the governor in the matter, and the answer of the society, appear in House Document of 1868, No. 150. Upon a message of the governor, at the last session of the general court, the subject was again referred to the governor; but as nothing further appears to have been done, your memorialist respectfully asks that such proceedings may be had in the premises that the books, manuscripts and other documents belonging to the Commonwealth may be restored; and for the further information of the legislature, he presents herewith the annexed copies of orders, reports, &c., relating to the subjectmatter of this Memorial, and respectfully requests that they may be referred to as part of the same.

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ACTS AND LAWS passed by the Great and General Court or Assembly of the Massachusetts Bay, in New England, begun and holden at Boston, in the county of Suffolk, on Wednesday, the twenty-seventh day of May, Anno Domini 1778; and from thence continued by adjournments to Wednesday, the seventh day of April following and then met.

[CHAP. IX.]

An Acr to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late province, now State, of Massachusetts Bay.

Whereas, The several persons herein mentioned have wickedly conspired to overthrow and destroy the constitution of government of the late province of Massachusetts Bay, as established by the charter agreed upon, by and between their late majesties William and Mary, late king and queen of England, &c., and the inhabitants of said province, now State, of Massachusetts Bay; and also to reduce the said inhabitants under the absolute power and domination of the present king, and of the Parliament of Great Britain; and as far as in them lay have aided and assisted the same king and parliament in their endeavors to establish a despotic government over the said inhabitants.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That Francis Bernard, baronet, Thomas Hutchinson, Esq., late governors of the late province, now State of Massachusetts Bay, Thomas Oliver, Esq., late lieutenant-governor, Harrison Gray, Esq., late treasurer, Thomas Flucker, Esq., late secretary, Peter Oliver, Esq., late chief-justice, Foster Hutchinson, John Erving, Jr., George Erving, William Pepperell, baronet, James Boutineau, Joshua Loring, Nathaniel Hatch, William Browne, Richard Lechmere, Josiah Edson, Nathaniel Rea Thomas, Timothy Ruggles, John Murray, Abijah Willard, and Daniel Leonard, Esgs., late mandamus counsellors of said late province, William Burch, Henry Hulton, Charles Paxton, and Benjamin Hallowell, Esqs., late commissioners of the customs, Robert Auchmuty, Esq., late judge of the vice-admiralty court, Jonathan Sewall, Esq., late attorney-general, Samuel Quincy, Esq., late solicitor-general, Samuel Fitch, Esq., solicitor or counsellor at law to the board of commissioners, have justly incurred the forfeiture of all their property, rights and liberties, holden under and derived from the government and laws of this State; and that each and every of the persons aforenamed and described shall be held, taken, deemed and adjudged to have renounced and lost all

civil and political relation to this and the other United States of America, and be considered as aliens.

Be it enacted by the authority aforesaid,

That all the goods and chattels, rights and credits, lands, tenements and hereditaments, of every kind of which any of the persons herein beforenamed and described were seized or possessed, or were entitled to possess, hold, enjoy or demand, in their own right, or which any other person stood or doth stand seized or possessed of. or are or were entitled to have or demand to and for their use, benefit and behoof, shall escheat, annure and accrue to the sole use and benefit of the government and people of this State, and are accordingly hereby declared so to escheat, enure and accrue, and the said government and people shall be taken, deemed and adjudged, and are accordingly hereby declared to be in the real and actual possession of all such goods and chattels, rights and credits, lands, tenements and hereditaments, without further enquiry, adjudication, or determination hereafter to be had, anything in the act entitled "An Act for confiscating the estates of certain persons commonly called absentees," or any other law, usage, or custom to the contrary notwithstanding: provided, always, that the escheat shall not be construed to extend to, or operate upon any goods, chattels, rights, credits, lands, tenements, or hereditaments, of which the persons aforenamed and described, or some other in their right, and to their use, have not been seized or possessed, or entitled to be seized or possessed or to have, or demand as aforesaid since the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five.

And be it further enacted by the authority aforesaid,

That all debts justly due from any of the persons aforenamed and described to any subject of the United States of America, before the said nineteenth day of April, A. D. one thousand seven hundred and seventy-five, shall be payable out of their respective estates.

And be it further enacted by the authority aforesaid,

That where the wife or widow of any of the persons aforenamed and described shall have remained within the jurisdiction of any of the said United States, and in parts under the actual authority thereof, she shall be entitled to the improvement and income of one-third part of her husband's real and personal estate, after payment of debts, during her life and continuance within the said United States; and her dower therein shall be set off to her by the indiges of probate of wills, in like manner as it might have been if her husband had died intestate and a liege subject of this State.

And be it further enacted by the authority aforesaid,

That if any person whose estate is by this act adjudged to have escheated as aforesaid, shall not have any wife or widow entitled to any part thereof by virtue of this act, shall have any relations (collateral kindred excepted,) who may not be of sufficient ability to support themselves without some allowance out of the estate of such person to whom they stand related as aforesaid, that the judge of probate of wills, who shall have the right of appointing agents for such estate, be, and he hereby is authorized and directed to fix a competent allowance from time to time, for the comfortable support of all such relations, having respect to the value of such estate.

[EXTRACTS from the printed copy of the "Journals of the Provincial Congress of Massachusetts," published agreeably to a Resolve passed March 10, 1837.]

[MONDAY,] May 15, 1775, A. M.

Ordered, That Mr. Fisher, Col. Field and Mr. Bullen be a committee to examine the letters of Governor Hutchinson,* lately discovered, and report to this Congress such letters and extracts as they think it will be proper to publish.

[Tuesday,] May 16, 1775, Afternoon.

Ordered, That Mr. Freeman and Doct. Holten be added to the committee appointed to examine Hutchinson's letters

* The following account of the discovery of the letter-books of Governor Hutchinson, containing his correspondence with the ministry and with private individuals, is copied from "Gordon's History of the American Revolution," vol. I., p. 356:—

"When he [Governor Hutchinson,] quitted the province, all his furniture was left behind at his seat in Milton. After the Lexington engagement, the committee of the town removed it, in order to save it from being totally ruined. Mr. Samuel Henshaw, desirous of seeing how the house looked when stript of all the furniture, repaired thither with the gentleman who had the key. He went, at length, up into a dark garret, where he discovered an old trunk, which he was told was left behind, as it contained nothing but a parcel of useless papers. Curiosity led him to examine them, when he soon discovered a letter-book of Mr. Hutchinson's, which he secured, and then posted away to Doct. Warren, to whom he related what had happened; on which an order was soon sent to Gen. Thomas, at Roxbury, to possess himself of the trunk. It was brought to his quarters, and there, through the imprudent exultations of some about the general, the contents were too often exposed to persons resorting thither, and some single letters conveyed away; one [was suppressed] for the public good, it being thought that if the same was generally known it might be of disservice in the present moment, as it had not a favorable aspect upon the staunch patriotism of Mr. Hancock. The letter-books and other papers were afterwards taken proper care of."

These interesting manuscripts were deposited and are still retained in the archives of the State.

Monday, May 22, 1775.

[Whereas, a number of men, some of whom have, in times past, by the good people of this province, been raised to the highest places of honor and trust, have become inimical to this colony; and merely on principles of avarice have, in conjunction with the late Governor Hutchinson, been trying to reduce all America to the most abject state of slavery; and as well to avoid the just indignation of the people, as to pursue their diabolical plans, have fled to Boston, and other places, for refuge:]

[Therefore, Resolved, That those persons, among whom are the mandamus counsellors, are guilty of such atrocious and unnatural crimes against their country, that every friend to mankind ought to forsake and detest them, until they shall give evidence of a sincere repentance, by actions worthy of men and Christians; and that no person within this colony shall take any deed, lease, or conveyance whatever, of the lands, houses, or estates of such persons. And it is hereby recommended to the committee of inspection, in every town in this colony, to see this resolve fully enforced, unless in such cases as the Congress shall otherwise direct.]

WEDNESDAY, June 7, 1775, Afternoon.

Ordered, That Mr. Orne and Mr. Vose be of the committee appointed to collect the letters of the late Governor Hutchinson, in the room of Doct. Perkins and Mr. Ellis, who are absent.

Tuesday, July 4, 1775.

A resolve of the committee relative to the goods of Thomas Hutchinson, Esq., and others, hid in and about Milton, was read, and committed to Major Bliss, Col. Grout and Mr. Crane.

COMMITTEE OF SAFETY.

April 29, 1775.

Upon a motion made,—

Voted, That orders be given to General Thomas for seizing Governor Hutchinson's papers.

MAY 1, 1775.

Voted, That General Thomas be and he hereby is directed and empowered to stop the trunks mentioned to be in Col. Taylor's

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hands, until this committee send some proper persons to examine their contents.*

May 29, 1775.

It being expected that the present congress will be dissolved this night, and hearing that one volume of copies of Mr. Hutchinson's letters are in the hands of Capt. McLane, at the upper paper mills in Milton, which volume may be of use to this colony, if in the hands of the Provincial Congress; therefore

Resolved, That the Rev. Mr. Gorden, of Roxbury, be desired and empowered to receive from said Capt. McLane all such copies as are in his hands, or in any other hands, and to be accountable to the present or some future congress for the same.

[Records of the Committee of Safety, p. 85.]

Whereas, Mr. Edmund Quincy, of Stotingham, has represented to this committee that sundry household goods and other effects, now or late the property of Thomas Hutchinson, Esq., and other persons publickly known to be also enemies to the rights and liberties of America, are hid in several places in and near Milton, which property will probably be lost or wasted, unless proper care is taken of the same for such persons as may hereafter justly claim the same; therefore

Resolved, That said Quincy be and hereby is impowered to receive and convey to this committee, at Cambridge, all such goods and effects as aforesaid, for the use of such person or persons as the honorable congress or some future congress or house of representatives of this colony may order; he also producing to this committee, the congress or house of representatives an account of all the articles he may so receive, the names of the persons from whom he may receive the same, and an account of the charges that may arise

^{*} The following is a letter from General Thomas, dated May 2, 1775:-

[&]quot;GENTLEMEN:—In consequence of directions from the Committee of Safety, I sent an officer, on whom I could depend, to the house of Governor Hutchinson, who brought off all the papers he could find in that house; but I was informed that Colonel Taylor, of Milton, had lately taken several trunks out of the governor's house, not many days ago, in order to secure them from being plundered. I immediately sent another messenger to Col. Taylor for all the papers that belonged to Governor Hutchinson which he had in his possession. He sent me for answer, he did not know of any papers that belong to said Hutchinson; but just now comes to inform me that there are several trunks in his house, which he took as aforesaid, which he expects will be sent for very soon. I suspect there may be papers in said trunks, and if it is thought proper, two or three judicious persons be sent to break open and search for papers, he will give them his assistance. This, gentlemen, is submitted to the consideration of the honorable committee.

[&]quot;I have, gentlemen, the honor to subscribe myself,
"Your most obedient humble servant,

[&]quot;JOHN THOMAS.

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from such salvage and removal. And he also is hereby empowered to press, if necessary, such teams as may be needed for removing such effects. Also,

Resolved, That this be immediately transmitted by the hands of said Quincy to the honorable congress, now sitting at Watertown, for their approbation or disapprobation.

[Mass. Archives, Vol. 208, p. 227.]

IN THE HOUSE OF REPRESENTATIVES, 23d March, 1776.

Whereas, The mandamus counsellors, commissioners of the custom and others, the open and avowed enemys to the rights of their country and the cause of liberty, have been compelled, by the terror of the American arms and the apprehension of the resentment of a justly incensed people, to depart the town of Boston, at any time since 19th April, 1775, and before 20 March instant, abandoning not only their houses and real estates, but also, in their hasty and precipitate flight, their personal and other moveable effects to a very considerable value,—

Resolved, That Mr. Brown, Mr. Sp'k'r Cooper, Deac'n Rawson, Mr. Pitts and Col'n Sartel be a committee to repair to the town of Boston, and there take or cause to be taken just and true accounts of said houses and real estates, personal and other moveable effects, the property of the before mentioned mandamus counsellors and others, to commit the charge and care of said estates and effects to such suitable persons as they may judge proper, and to make report of their proceedings herein as soon as may be, that this court may take such farther order thereon as may be necessary and fitting.

Sent up for concurrence.

WILLIAM COOPER, Sp'r pro tem'e.

In Council, March 25th, 1776.

Read and concurred as taken into a new draught.

Sent down for concurrence.

Perez Morton, D. Sec.

In House of Representatives, March 25th, 1776.

Read and concurred.

Sent up.
Consented to:

W. SEVER.

W. SPOONER.

JOSEPH GERRISH.

T. Cushing.

John Whetcomb. Jed'h Foster.

James Prescott.

I. PALMER.

CHAS, CHAUNCY.

S. HOLTEN.

WILLIAM COOPER, Sp'r pro tem'e.

JABEZ FISHER.

Moses Gill.

B. WHITE.

JOHN TAYLOR.

B. LINCOLN.

[Vol. 208, p. 226.]

IN THE HOUSE OF REPRESENTATIVES, 23d March, 1776.

Whereas, The mandamus councellors, commissioners of the customs and others, open and avowed enemies to the rights and liberties of America, have departed the town of Boston, through fear of the American arms and the just resentment of their injured countrymen, since the nineteenth day of April, 1775,

Resolved, That Mr. Brown, Mr. Speaker Cooper, Deacon Rawson, Mr. Pitts and Colo. Sartell be a committee to repair to the town of Boston, and take or cause to be taken a just and true inventory of all the estate, real and personal, of all kinds, belonging to such persons as have departed the said town in manner as aforesaid, and report the same to this court as soon as may be, that such further proceedings may be had thereon as shall be thought proper; and that said committee, in the mean time, cause such effects to be secured in such manner as to prevent any embezzelment thereof.

Recorded page 683.

Endorsed—"Resolve to secure tories' estates in the town of Boston."

[Mass. Archives, Vol. 208, p. 328. Gen. Court Records, Vol. 34, p. 718.]

In the House of Representatives, April 3d, 1776.

Whereas, This court have received information that considerable parts of the real and personal estates of the mandamus councillors, commissioners of the customs and other open and avowed enemies to the rights and liberties of America, who have departed this colony since April 19th, 1775, are now in the possession of persons who have clandestinely taken the same; and others, under pretence of gift, sale or attachment, claim a right to hold and enjoy such estate and effects, by which practises the public or individuals may be greatly injured; for prevention whereof,—

Resolved, That the committee appointed to take inventories of and to secure, till the further order of this court, the estate and effects of said absconders in the town of Boston, be and hereby are empowered to cause every such person or persons as they know or have good cause to suspect have in their occupation or possession any estate, late the property of the aforesaid mandamus councillors, &c., and them to examine thereon, and, if need be, to require answers upon oath respecting the concealment or conveyance of said effects, as the law allows in similar cases with respect to the effects of intestates; and said committee are also authorized and

directed to take into their possession and secure such estate and effects, (as also the estate and effects of any persons in Great Britain, which, by vertue of powers of attorney, were under the care and direction of said mandamus councillors, &c.,) until the further orders of this court, any attachment or civil process made or commenced since the 19th of April last notwithstanding.

[Mass. Archives, Vol. 209, p. 107.]

In the House of Representatives, (May 2, 1776.)

Whereas, By a resolve of this court in March last, a committee was appointed, after the enemy fled from Boston, to repair to the town of Boston, and there take possession of houses and real estates personal and other moveable effects belonging to mandamus councellors and others that were left in the said town by any person who went off with the fleet and army, and to keep the same in their possession till the further order of the general court. And whereas, afterwards, vizt., on the 19th day of April last, a resolve passed this court impowring the committees of correspondence, &c., to lease out the real estates of certain persons therein particularly mentioned, and to return an inventory of all personal estate belonging to such persons as they should receive into their possession as by the same resolve will fully appear.

And whereas it is apprehended by some persons that the resolve last mentioned may interfere with the resolve for appointing the committee aforesaid to take possession of the personal estates of those who went off from Boston with the fleet and army; therefore

Resolved, That the committee appointed by the House of Representatives for the purpose first mentioned, be and they hereby are fully authorized and impowred to retain in their possession all such real and personal estate as they have already taken or hereafter may in pursuance of their first appointment take into their possession, and lease out said real estates as the committee of correspondence, &c., are authorized to do till the further order of the great and general court of this colony, the resolve of the 19th of April notwithstanding: provided, always, that untill the further order of the general court there be allowed to the wives and children of said aforesaid persons as are above described so much out of their respective estates, or the improvement thereof, as is necessary, in the judgement of the committee, for their support, they being unable otherways to support themselves.

And whereas sundry articles of the estates above mentioned may liable to perish, it is therefore further resolved that the commit-

tee first aforesaid be and they hereby are directed and empowered to dispose of such perishable articles and such only, by public sale, and render an account of the proceeds to the general court as soon as may be.

[Mass. Archives, Vol. 209, p. 437.]

To the Honorable the General Assembly for the Colony of the Massachusetts Bay, convened at Watertown May 29th, 1776.

MAY IT PLEASE YOUR HONOURS,—By virtue of a Resolve of the general court of the 19th of April last, we, the committee of correspondence, safety and inspection, have proceeded to take into our care and have leased out the real estate of the late Governor Hutchinson, (lying in Milton,) as follows, viz.:—

To Mr. Samuel Henshaw, Ju'r, the dwelling-house, barn, sta-

ble, yard and garden, at				£13	16s.	6d.
Capt. Daniel Vose, part of the land, at				21	8	2
Mr. Nehemiah Clap, a part of the land, at, .				10	11	11
Mr. Adam Davenport, a part of the land, at				7	17	9
Mr. Moses Haden and John Box, an out-house	and	part	of			•
the land,				4	4	0
Mr. Joseph Jones, a part of the land, at .				7	16	8
The whole amounting to				£65	15s.	0d.

Of the personal estate, we have received into our care and taken an inventory of the following articles, viz.:—

Two coaches.

One brass kettle.

Two common house chairs.

One roundabout chair.

One iron pot.

One looking glass.

One plough.

The remainder of the personal estate, consisting chiefly of household furniture, as we understand, was taken away from said Hutchinson's mansion house by order of the selectmen and committee of correspondence last year, and no inventory taken of them, (except by cart loads,) and delivered into the care of Colon'l William Taylor; and we, the present committee, after having received the Resolve of the 19th of April last, respecting the personal as well as real estate of our enemies, thought it our duty to take an inventory of said personal estate, and accordingly applyed to said Col. Taylor for admission for that purpose repeatedly, and shew him the order of court; but he peremptorily forbid us entering the apartment where said personal estate was, and said he did it in the name of

the committee, (with whom he had consulted;) and we have, in consequence of said refusal, omitted taking an inventory of the goods in said Taylor's custody.

We would also inform the honorable court that there is a real estate in the town of Milton, owned by a person or persons in England, which estate was some years past been verbally lett to Capt. Daniel Vose, by Henry Lloyd, then of Boston; and we, being uncertain whether it fell under our care, beg leave to ask the opinion of the honorable court concerning it. Therefore beg this honorable court what shall be don with this and the above affair, that committee may know what steps to take.

Joseph Badcock, per order.

In the House of Representatives, Watertown, June 27, 1776.

Resolved, That the committee of correspondence, safety and inspection of the town of Milton be and they are hereby impowered to take into their possession the personall estate of Thomas Hutchinson, late of said Milton, which is in the possession of Coll. Taylor, in said Milton, or wherever else it may be found, excepting such as may have been otherways disposed of by order of the general court, and to follow the directions of this court respecting the same as in similar cases provided.

And farther resolved, That said committee take into their care the estate let to Cap'n Daniel Vose by Henry Loyd, late of Boston, who fled with the ministerial fleet, observing the direction of court with respect to the estates of refugees.

[Mass. Archives, Vol. 154, p. 410.]

In House of Representatives, May 5th, 1780.

Whereas, John Brown, William Cooper, Dea'n Edward Rawson, John Pitts and Josiah Sartell were, by a Resolve of the general court, of the twenty-third day of March, in the year 1776, appointed a committee to take into their custody all the personal estate of such persons as voluntarily went off with the enemy at the time Boston was evacuated, and according to the orders of the court to dispose of the same, and to account for the proceeds; and whereas said committee have neglected to settle their accounts, notwithstanding the frequent orders of the general court for that purpose;

And whereas the good people of this State have manifested great uneasiness that the committee of sequestration, so called, have not exhibited, as yet, a fair accounts of the disposal of the aforesaid

goods and chattels, and obtained an honorable discharge for so much of the same as they may have disposed of by private or public sale; therefore

Resolved, That the Hon'ble William Phillips, Esq., the Hon'b. Nathan Cushing, Esq., Samuel Osgood, Esq., Lemuel Kollock, Esq., and Mr. Nathan Frazier be and hereby are appointed a committee to examine into the conduct of the aforesaid John Brown, William Cooper, Dea'n Edward Rawson, John Pitts and Josiah Sartell; and also to send for and examine any persons or papers which they may think necessary for the purposes aforesaid.

And whereas it may be necessary that the committee appointed to examine into the conduct of the said committee of sequestration should be attended with some civil officers, in order to prosecute the business with dispatch; therefore it is

Resolved, That such of the constables of the town of Boston, in the county of Suffolk, as the said committee shall direct and require to attend them, shall and hereby are directed to give their attendance accordingly; and are also empowered and directed to serve and execute any summons, order or other process which the said committee shall issue in pursuance of the power and authority given them as aforesaid.

And it is farther resolved, That the president of the said committee, for the time being, shall be and hereby is authorized and directed to administer a proper oath to any person or persons whom the said committee shall think fit to examine as a witness or witnesses, touching the subject-matter of their enquiry.

And such summons, order or other process which shall be issued by said committee as aforesaid, shall be signed by the clerk appointed by said committee, and not by any member of said committee.

And all persons are directed to yield obedience to every such summons, order or other process, on pain of imprisonment for their contempt or refusal, by order of said committee.

And said committee are hereby directed to proceed upon said business immediately, and make report of their doings to the general court as soon as may be.

Sent up for concurrence.

John Hancock, Sp'k'r.

IN COUNCIL, May 5, 1780.

Read and concurred.

JOHN AVERY, D. Sec.

Consented to:

JER. POWELL.

A. WARD.

T. Cushing.

S. Adams.

I. FISHER.

H. GARDNER.

B. WHITE.

T. Danielson.

OLIVER PRESCOTT.

N. Cushing.

Thos. Durfee.

Aaron Wood.

Sami. Niles.

A. Fuller.

EDW'D CUTTS.

I. Simpson.

GENERAL COURT RECORDS, MAY, 1680.—"This court being informed that Mr. Wm. Hubbard hath taken paynes in compiling a history of New England, doe order that our honored governor and Wm. Stoughton, Esquire, Capt. Daniel Fisher, Lieut. Wm. Johnson, and Capt. Wm. Torrey be a committee to peruse the same, and make returne of their opinion thereof to the next session, that the court may then, as they shall then judge meete, take order for the impression thereof."

GENERAL COURT, October 11, 1682.

"Whereas, It hath binn thought necessary, and a duty incumbent upon, to take due notice of all occurrances and passages of God's providence towards the people of this jurisdiction since their first arrivall in these parts, which may remaine to posterity, and that the Reverand Mr. William Hubbard hath taken paynes to compile a history of this nature, which the court doeth with thankefullnes acknowledge; and, as a manifestation thereof, doe hereby order the treasurer to pay unto him the some of fivety pounds in money, he transcribing it fairely into a booke, that it may be the more easely perused, in order to the satisfaction of this court."

AT A SPECIAL GENERAL COURT, February, 1682-3.

"This court having formerly granted fifty pounds to the Rev. Mr. Wm: Hubbard, in consideration of his paine in collecting a history of the first planting and setling of this colony, as in October last, for 50li, it is ordered that the treasurer pay him or his order leafe of the said sume as soone as money comes into his hands, and that the debts due from the country be payd in course as they arise due by this court's order."

The following are inventories of the real and personal estates of the persons who have been inimical to the rights of America, and the fled from Boston, and are herein recorded by order of the

committee of the general court appointed for that purpose, vizt.: Thomas Hutchinson, Thomas Hutchinson, Ju'r, and Elisha Hutchinson:—

At Widow Stoddard's:—

6 mahogany chairs.

1 mahogany case of draws.

2 looking glasses.

4 sacking bottom bedsteads.

1 pr. dogs.

1 pr. kitchen hand-irons.

1 mahogany fire-screen.

1 square snap table.

1 card table.

3 3½ feet mahogany tables.

1 mahogany cradle.

1 walnut chamber table.

1 round snap table.

1 close stool.

3 small marble slabs.

1 round chamber table.

At Doct'r Eliot's:-

1 mahogany bureau.

Desk; a chaise and harness.

1 desk and book-case, glass doors.

1 four-feet mallogany table.

1 painted screen.

1 handsome 8-day clock.

2 small mahogany stands.

1 small box case-knives.

12 rich mahogany hair-bottom chairs.

6 do. furniture check.

2 arm-chairs.

2 maliogany bedsteds.

1 pallat bedstead and bed.

1 mahogany fire-screen.

1 small stand.

6 straw-bottom kitchen chairs.

1 black walnut chamber table.

1 pair large brass andirons.

1 pair dogs.

46 pewter plates and dishes.

1 spitt; 1 frying-pan.

1 tin cover.

1 dish kettle.

1 dripping pan.

2 broken lanthorns.

2 rich mahogany arm-chairs.

8 mahogany cooler.

3 pictures.

1 mahogany card-table.

1 copper ship stove.

3 iron kettles.

1 four-feet pine table.

1 chariot and harness.

1 buby hutch.

1 horse saddle.

1 chest of draws.

1 sacking bottom bedstead.

10 odd chairs.

A parcel of books and papers of little value.

The large mansion house, outhouses, stables, wharves, stores, &c., &c.

At. Doct'r Clarke's :-

1 chimney glass.

1 mahogany bureau.

Desk; 1 easy chair.

4 large pictures, 2 broke.

1 glass lamp.

2 glass salvers, 1 broke.

13 stone plates and dishes.

1 sett furniture.

Curtain vallents.

1 horse net.

2 window curtains, furniture check.

3 do. cushions.

1 glass frame for a time-peice.

2 tin dish covers.

1 china jarr.

1 bird cage.

1 pair table leaves.

2 leather bottom easy chairs.

2 roundabout horse-hair do.

6 stuff-back chamber chairs.

6 leather bottom chairs.

4 horse-hair do.

1 bed bolsters and 2 pillows.

A case containing 4 elegant gilt looking glass.

[Mass. Archives, Vol. 6, p. 320.]

Extract in the handwriting of Gov. Hutchinson.

Public notice given.—"If any of the above articles, or any plate, men's or women's apparel be offered for sale by any persons or seen in the possession of any persons of suspected characters, it is desired notice may be given to either of the lieutenant-governor's sons at their warehouses in Boston, and whereas a manuscript history of the province from the present charter to the year 1730 was among the spoil, a part of which has been found, if any of the remaining sheets should be discovered it is desired they may be sent, together with any other of the lieutenant-governor's papers or books, to the Reverend Mr. Eliot."

[Mass. Archives, Vol. 26, p. 146.]

Extract from letter of Gov. Hutchinson to Richard Jackson, Esq., dated Aug. 30, 1765.

"Besides my plate and family pictures, houshold furniture of every kind, my own, my children and servants' apparel, they carried off about £900 sterling in money, and emptied the house of everything whatsoever, except a part of the kitchen furniture, not leaving a single book or paper in it, and have scattered or destroyed all the manuscripts and other papers I had been collecting for thirty years together, besides a great number of publick papers in my custody."

[General Court Records, Vol. 33, p. 130.]

Records of the Great and General Court or Assembly for the Massachusetts Bay in New England, begun and held at Watertown, in the county of Middlesex, on Wednesday, the twenty-sixth day of July, 1775.

In the House of Representatives, \ August 18, 17.75.

Ordered, That Colonel Orne and Mr. Cushing, with such as the Lonorable board shall join, be a committee to consider what is

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proper to be done with the letters of the late Governor Hutchinson, and how they shall be preserved.

Sent up for concurrence.

Jas. Warren, Speak'r.

In Council, August 19, 1775.

Read and concurred, and John Adams, Esq., is joined.

S. Adams, Sec'y.

The committee above named report that it is of great importance that the letters and other papers of the late Governor Hutchinson be carefully preserved, as they contain documents for history of great moment; and that evidence, in the handwriting of a man whose nefarious intrigues and practices, have occasioned the shedding of so much innocent blood, and brought such horrid calamities on his native country, may be preserved for the full conviction of the present and future generations; and therefore that such of the letters and papers aforesaid as are not now in the custody of the Honorable Samuel Dexter, Esq., at Dedham, be delivered to him, and together with those, already under his care, faithfully kept by him, until the further order of this court, and that such of them be published from time to time as he shall judge proper.

JOHN ADAMS, per order.

In Council, August 19, 1775.

Sent down for concurrence. Read and accepted.

SAM'L ADAMS, Secr'y.

[Mass. Archives, Vol. 142, p. 421.]

IN THE HOUSE OF REPRESENTATIVES, October 14, 1783.

Ordered, That the secretary be and he hereby is directed forthwith to make application to the Honorable Samuel Dexter, Esq., and the Reverend William Gordon, Doctor of Divinity, for the letters of the late Governor Hutchinson, which were found within this State after he left the same, and to receive the same letters from any person in whose possession they may be, and to file them carefully among the papers of this State.

Sent up for concurrence.

TRISTRAM DALTON, Spkr.

IN SENATE, October 15, 1783.

Read and concurred as taken into a new draft.

Sent down for concurrence.

S. Adams, Preside.

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In the House of Representatives,) October 16, 1783.

Read and concurred.

TRISTRAM DALTON, Sp'k'r.

Approved.

JOHN HANCOCK.

[Mass. Archives, Vol. 142, p. 422.]

COMMONWEALTH OF MASSACHUSETTS.

In the House of Representatives, October 14th, 1783.

Whereas, In the year 1775 certain letters were found in the mansion house of Thomas Hutchinson, Esq'r, late governor of the province of the Massachusetts Bay, written by the said Hutchinson to persons of public character and others in England and elsewhere, which letters tend to the discovery of the plans which had been secretly laid for the destruction of the rights, liberties and privileges of the then British colonies; and whereas the said letters were committed to the care of the Honorable Sam'l Dexter, Esq'r., with permission to the Rev'd Doct'r William Gordon to take and select such of them as he should judge proper for immediate publication;

And whereas, it is highly expedient that papers so adapted as the said letters appear to be to mark the leading principles and characters in the late happy American Revolution, should be safely kept among the archives of this Commonwealth, that so the historian and others may avail themselves thereof, under the direction of the general court;

Resolved, That the said Sam'l Dexter, Esq'r., Dr. William Gordon, and all others who are possessed of any of the said letters of the said Thomas Hutchinson, Esq'r., be and they hereby are required to return the same into the secretary's office without delay.

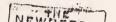
Ordered, That the secretary serve the said Sam'l Dexter, Esq'r., and Doet'r William Gordon with an attested copy of the foregoing resolution, and also to publish the same in one of the Boston, the Salem, Worcester and Springfield newspapers.

[Mass. Archives, Vol. 142, p. 423.]

DEDHAM, October 18th, 1783.

Six:—I this morning received your letter, inclosing a resolve of the honorable general court, requiring me to return, "without delay," into the secretary's office, certain letters of the late Governor Hutchinson.

These letters, and other papers, very soon after they were discovered in his house in Milton, were brought over to Watertown,



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where the Massachusetts Congress, so called, then sat. They lay open for the inspection and perusal of everybody who had curiosity enough to look into them; and in consequence of the free access which all persons, without discrimination, had to them, I suppose it was owing that letters, either written by or to him, have been scattered about the State. I remember to have heard it said, two or three years after they were found, that some of them were shewn in towns very remote from the capital, although I do not recollect the names of such towns.

That there might be no further pillaging, they were, by a resolve of that public body, committed to me, accompanied with a desire that I would "select such of them as I should judge proper for immediate publication," and cause them to be printed in newspapers, or in a pamphlet, with remarks, if I should think them needful.

On my motion the Reverend Dr. Gordon had permission to look over the manuscripts at his pleasure, and had a concurrent power given him to publish and comment upon them.

In the year 1776, the general court, on a report of a committee of both houses, of which the Honorable Mr. Adams, now in Europe, was chairman, recommitted them to my keeping, charging me with their safe preservation, as "containing valuable documents for future history;" and every letter-book and paper which were in my custody at that time, and that have come into my hands since the passing the last mentioned resolve, are now in my possession; nor are any missing of the whole number delivered to me at Watertown, unless some are retained by Dr. Gordon, who had a right, from the vote of the provincial congress, to be possessed of any of them for the purpose above mentioned; but who, immediately after the date of the resolve of the general court, giving me the sole care of them, sent to me, as I understood him, all he had taken to his honse.

In faithfulness to my trust, I have all the letter-books and papers safely deposited in a large box, weighing, with its contents, near one hundred pounds, which, since my receipt of the resolution of the honorable court, I have nailed up, and keep in readiness to be delivered to any messenger or servant of their honors who may be ordered to call upon me for it.

I am, sir, your most obedient servant,

SAMUEL DEXTER.

COMMONWEALTH OF MASSACHUSETTS.

IN SENATE, May 30, 1867.

The Committee on the Library, to whom was referred an Order to inquire into "the expediency of directing the Secretary of the Commonwealth to obtain from the Massachusetts Historical Society any books, papers or documents now in their possession, the property of the Commonwealth," having carefully considered the same, respectfully submit the following Report:—

The following facts appeared in evidence before the Committee. The documents probably referred to by the Order are certain volumes known as the "Hutchinson Papers." These papers, when Governor Hutchinson's property was sold at auction, having been confiscated, were secreted in a bed and sold. After their discovery and the fact was made known, they were repurchased by the State at a cost of fifty pounds. They were placed with the other records in the department of the secretary of the Commonwealth, and remained there until 1820, when Mr. Bradford, then secretary, and also a member of the Historical Society, carried the papers which makes the first three volumes, and gave them to the society. In January of 1846, Mr. Palfrey, then secretary, and likewise a member of the society, having his attention called to the fact, wrote a letter to the officers of the society, desiring their return. Receiving no answer, he wrote again, in January, 1847, and also in July of the same year. No notice whatever was taken of these letters, and so the matter rested until 1858. In the secretary's report of 1848, reference is made to these letters, copies of which are subjoined to this Report. (See Honse Doc. No. 2 of 1848.)

In 1858, the legislature by a Resolve directed the secretary of the Commonwealth to prepare and cause to be printed the New Plymouth Records. (See chap. 41 of Resolves of 1858.) Mr. David Pulsifer was appointed, and in prosecution of that work desired to examine these papers. He went to the library of the Historical Society and requested permission to use them for that purpose; but his request was refused in pursuance of a rule of that society. He was therefore subjected to the disadvantage of making his record without the aid of valuable information contained in those papers. Last February, Mr. Dawson of New York desired to print the sermon of Rev. John Wheelwright, contained in the "Hutchinson Papers,"—a sermon of considerable historical value and importance,—but for a long time was unable to obtain a copy.

These papers, relating to the early history of the colony, extending over a period of thirty years, and transferred by mistake from

the custody of the State to that of a society having no right to them, the Committee unanimously believe ought of right to be returned. This the Historical Society are not only unwilling to do, but even refuse an officer of the Commonwealth, whose property they are, when appointed to complete its early records, access to their information. The later manuscripts are still in the custody of the State, and these are needed to render our archives complete.

Besides, the "State House" being fire-proof, while the building used by the society is not, is a far safer repository for such valuable documents, valuable alike as a part of the State's history and as containing information which ought of right to be accessible to any person desirous of examining their contents. In the custody of the Historical Society, they are closed to those who may desire their perusal; when in the possession of the State, they would be within the reach of all.

Believing that they are clearly the property of the Commonwealth, the Committee think they should be returned.

The society was notified of the meeting of the Committee, but did not see fit to appear.

They therefore report the following Resolve.

Per order,

CHAS. J. NOYES, Chairman.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Sixty-Seven.

RESOLVE CONCERNING THE "HUTCHINSON PAPERS."

Resolved, That the governor be directed and enjoined to take such steps as to him seem necessary and proper to procure the immediate restitution of the books, manuscripts and other documents now in the possession of the Massachusetts Historical Society belonging to the Commonwealth.

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, BOSTON, January 1, 1846.

To the President and Fellows of the Massachusetts Historical Society.

Gentlemen:—In the course of some recent proceedings for the completion and arrangement of the ancient papers in this office, my attention has been drawn to three volumes called the "Hutchinson Papers," now in the library of the Historical Society. I suppose

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these papers to have come into our library by mistake, and to be the property of the Commonwealth.

They are referred to in the record of the meeting of the Historical Society on the 27th day of January, 1820, as having been "presented to the society by the permission of the governor and council." I have had a careful examination made of the council records of the period, and do not find any proceedings of the governor and council to this effect. Nor would it have been within the constitutional competency of the executive department of the government. Such a disposition of the papers could only have been made by an Act or Resolve of the legislature, and no law so disposing of them appears to have been passed.

I have very respectfully to request that an examination may be made into these facts, in order that, if they, and my opinion founded upon them, be confirmed, the society may take measures for restoring the volumes in question to the custody of this office.

I have the honor to be, &c.,

JOHN G. PALFREY.

SECRETARY'S OFFICE, BOSTON, January 19th, 1847.

To the President and Fellows of the Massachusetts Historical Society.

Gentlemen:—In the month of January last I made a communication to your society, representing that in the course of some proceedings for the completion and arrangement of the ancient papers in this office, my attention had been drawn to three volumes called the "Hutchinson Papers," now in the library of the Historical Society, and that I supposed these papers to have come into our library by mistake, and to be the property of the Commonwealth.

I added that they were referred to in the record of the meeting of the Historical Society on the 27th day of January, 1820, as having been "presented to the society by the permission of the governor and council," and that I had had a careful examination made of the council records of the period, and did not find any proceeding of the governor and council to this effect. And I suggested that it would not have been within the competency of the executive department of the government, the papers being subject to such a disposal only by an Act or Resolve of the legislature, and no law so disposing of them appearing to have been passed.

I accordingly requested that an examination might be made into the facts, in order that if they, and my opinion founded upon them,

should be confirmed, the society might take measures for restoring the volumes in question to the custody of this office.

Not having received any reply to this application, I ask permission respectfully to repeat the request, that it may receive the attention of the society.

I have, &c.,

John G. Palfrey.

SECRETARY'S OFFICE, BOSTON, July 27, 1847.

To the President and Fellows of the Historical Society.

Gentlemen:—On the nineteenth day of January last, I made a representation to the Historical Society respecting certain manuscript volumes entitled the Hutchinson Papers, supposed by me to belong to the archives of the Commonwealth, and to have been placed in the library of our society by mistake. May I respectfully ask to be informed of the decision or action had by the society on this subject.

I have the honor to be, gentlemen, with great respect, Your obedient servant,

JOHN G. PALFREY.

Extract from the Annual Report of Hon. John G. Palfrey, Secretary, January 5th, 1848.

[House Document, No. 2, 1848, page 9.]

Entertaining the opinion that certain writings, called the "Hutchinson Papers," formerly in this office, were transferred to that collection through a mistake, I have made applications to the society to have the subject considered, in order that if my impression should prove to be well founded, the papers might be restored to the custody of the Commonwealth. I have received no reply to the applications, nor has anything come to my knowledge to change my opinion on the subject. My views, and the manner of presenting them, are on record in the letter-book of this office, under the dates of January 1st, 1846, and January 19th and 27th, 1847.

HOUSE.... No. 454.

Commonwealth of Massachusetts.

House of Representatives, May 31, 1869.

The Committee on the Judiciary, to whom was referred the memorial of David Pulsifer in relation to the Hutchinson Papers, report the accompanying Resolve.

Per order,

T. L. NELSON, Chairman.

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Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-Nine.

RESOLVE

In relation to the Hutchinson Papers.

Whereas, A controversy has existed for many years, and still exists, between the Commonwealth and the Massachusetts Historical Society, in relation to the ownership of certain papers, now in the custody of said society, being a portion of those known as the Hutchinson Papers; and whereas the Commonwealth recognizes the fact that for many years the right of said society to the said papers was not called in question, and also recognizes the great services of the society in the field of historical research, and its claims to respectful consideration on the part of the Commonwealth; and whereas it is highly desirable that said papers should be at times in the custody of the Commonwealth; therefore,

Resolved, That the secretary of the Commonwealth is hereby authorized to make arrangements, from time to time, with said society, to take into his possession said papers, for the purposes of examination, taking copies thereof, and for any other purposes relating to his office; and the secretary is hereby directed, at the expiration of the time agreed upon, to return said papers to said society.

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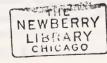
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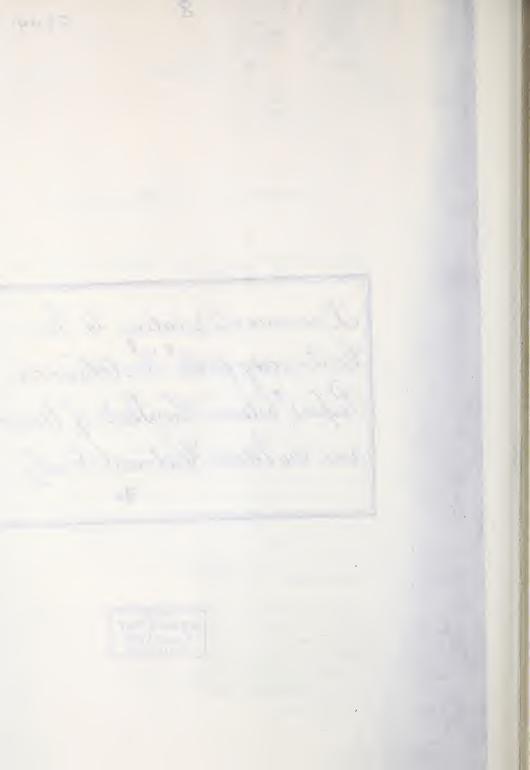
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Documents relating to the Controversy for the Kutchinson Papers, "between the State of Mass, and the Mass, Kistorical Society.

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SENATE.... No. 187.

Commonwealth of Massachusetts.

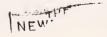
IN SENATE, April 20, 1870.

The Joint Special Judiciary Committee, to whom was referred the petition of William B. Spooner and others, asking for certain legislation respecting certain Hutchinson Papers, respectfully

REPORT:

That they have considered the same, and find that the questions of fact involved therein require a more careful and minute investigation than can be given by a legislative committee; that there are also certain questions of law to be passed upon if dealt with as proposed by the petitioners; that the committee appointed by the Massachusetts Historical Society to represent them before the legislature have signified a desire to have the whole subject of controversy sent to a board of referees for full and final adjustment; and that your Committee are of the opinion that such a course would be entirely satisfactory to all parties. They therefore recommend the passage of the accompanying Resolve, and submit, as a part of their Report, the documentary testimony which will be found in the Appendix.

N. J. HOLDEN, Chairman.



SENATE No. 187.

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Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy.

RESOLVE

Relating to the "Hutchinson Papers."

Whereas, a controversy has existed for many years, and still exists, between the Commonwealth and the Massachusetts Historical Society, in relation to the ownership of certain papers, now in the custody of said society, being a part of those known as the "Hutchinson Papers;" and whereas, it is important that said controversy should be settled and determined; it is therefore

Resolved, That the governor and council be, and they hereby are authorized to agree with said Massachusetts Historical Society upon a referee, or referees, who shall have full authority to decide, and finally settle, all such controversies; and the attorney-general shall represent the Commonwealth before such referee or referees, if the governor and council shall so direct. And the governor, with the advice of the council, is hereby authorized to draw his warrant upon the treasurer for such expenses as may be incurred by the Commonwealth in such reference.

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APPENDIX.

LEGISLATIVE AND OTHER DOCUMENTS HAVING REFERENCE TO, OR BEARING UPON, THE "HUTCHINSON PAPERS."

CHRONOLOGICALLY ARRANGED.

[Mass. Archives, Vol. 26, p. 146.]

EXTRACT from letter of Gov. Hutchinson to Richard Jackson, Esq., dated Aug. 30, 1765.

"Besides my plate and family pictures, household furniture of every kind, my own, my children and servants' apparel, they carried off about £900 sterling in money, and emptied the house of everything whatsoever, except a part of the kitchen furniture, not leaving a single book or paper in it, and have scattered or destroyed all the manuscripts and other papers I had been collecting for thirty years together, besides a great number of publick papers in my custody."

[Mass. Archives, Vol. 6, p. 320.]

EXTRACT in the handwriting of Gov. Hutchinson. [1765.]

Public notice given.—"If any of the above articles, or any plate, men's or women's apparel be offered for sale by any persons, or seen in the possession of any persons of suspected characters, it is desired notice may be given to either of the lieutenant-governor's sons at their warehouses in Boston, and whereas a manuscript history of the province from the present charter to the year 1730 was among the spoil, a part of which has been found, if any of the remaining sheets should be discovered, it is desired they may be sent, together with any other of the lieutenant-governor's papers or books, to the Reverend Mr. Eliot."*

[EXTRACTS from the printed copy of the "Journals of the Provincial Congress of Massachusetts," published agreeably to a Resolve passed March 10, 1837.]

COMMITTEE OF SAFETY.

APRIL 29, 1775.

Upon a motion made,-

Voted, That orders be given to General Thomas for seizing Governor Hutchinson's papers.

^{• &}quot;When lieut.-gov. Hutchinson's house was pillaged, and pulled to pieces by an infuriated mob, his books and MSS. were thrown into the streets, and were in danger of being completely destroyed. Dr. [Andrew] E. [liot] made every exertion to save them. Several trunks of MSS., among them the second volume of the history of Massachusetts Bay, were preserved by his care and attention, and he spent much time in assisting to arrange them."—Eliot's Biographical Dictionary, p. 191.

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MAY 1, 1775.

Voted, That General Thomas be and he hereby is directed and empowered to stop the trunks mentioned to be in Col. Taylor's hands, until this committee send some proper persons to examine their contents.*

[MONDAY,] May 15, 1775, A. M.

Ordered, That Mr. Fisher, Col. Field and Mr. Bullen, be a committee to examine the letters of Governor Hutchinson,† lately discovered, and report to this Congress such letters and extracts as they think it will be proper to publish.

[TUESDAY,] May 16, 1775, Afternoon.

Ordered, That Mr. Freeman and Doct. Holten be added to the committee appointed to examine Hutchinson's letters.

* The following is a letter from General Thomas, dated May 2, 1775:-

"Gentlemen:—In consequence of directions from the Committee of Safety, I sent an officer, on whom I could depend, to the house of Governor Hatchinson, who brought off all the papers he could find in that house; but I was informed that Colonel Taylor, of Milton, had lately taken several trunks out of the governor's house, not many days ago, in order to secure them from being plundered. I immediately sent another messenger to Col. Taylor for all the papers that belonged to Governor Hutchinson which he had in his possession. He sent me for answer, he did not know of any papers that belong to said Hutchinson; but just now comes to inform me that there are several trunks in his house, which he took as aforesaid, which he expects will be sent for very soon. I suspect there may be papers in said trunks, and if it is thought proper, two or three judicious persons be sent to break open and search for papers, he will give them his assistance. This, gentlemen, is submitted to the consideration of the honorable committee.

"I have, gentlemen, the honor to subscribe myself, your most obedient humble servant,
"John Thomas.

"Roxbury Camp, May 2, A. D. 1775."

† The following account of the discovery of the letter-books of Governor Hutchinson, containing his correspondence with the ministry and with private individuals, is copied from "Gordon's History of the American Revolution," vol. I., p. 356:—

"When he [Governor Hutchinson,] quitted the province, all his furniture was left behind at his seat in Milton. After the Lexington engagement, the committee of the town removed it, in order to save it from being totally ruined. Mr. Samuel Henshaw, desirous of seeing how the house looked when stript of all the furniture, repaired thither with the gentleman-who had the key. He went, at length, up into a dark garret, where he discovered an old trunk, which he was told was left behind, as it contained nothing but a parcel of useless papers. Curiosity led him to examine them, when he soon discovered a letter-book of Mr. Hutchinson's which he secured, and then posted away to Doct. Warren, to whom he related what had happened; on which an order was soon sent to Gen. Thomas, at Roxbury, to possess himself of the trunk. It was brought to his quarters, and there, through the imprudent exultations of some about the general, the contents were too often exposed to persons resorting thither, and some single letters conveyed away; one [was suppressed] for the public good, it being thought that if the same was generally known it might be of disservice in the present moment, as it had not a favorable aspect upon the staunch patriotism of Mr. Hancock. The letter-books and other papers were afterwards taken proper eare of."

These interesting manuscripts were deposited and are still retained in the archives of the State.

MONDAY, May 22, 1775.

[Whereas, a number of men, some of whom have, in times past, by the good people of this province, been raised to the highest places of honor and trust, have become inimical to this colony; and merely on principles of avarice have, in conjunction with the late Governor Hutchinson, been trying to reduce all America to the most abject state of slavery; and as well to avoid the just indignation of the people, as to pursue their diabolical plans, have fled to Boston, and other places, for refuge:

[Therefore, Resolved, That those persons, among whom are the mandamus counsellors, are guilty of such atrocious and unnatural crimes against their country, that every friend to mankind ought to forsake and detest them, until they shall give evidence of a sincere repentance, by actions worthy of men and Christians; and that no person within this colony shall take any deed, lease, or conveyance whatever, of the lands, houses, or estates of such persons. And it is hereby recommended to the committee of inspection, in every town in this colony, to see this resolve fully enforced, unless in such cases as the Congress shall otherwise direct.]

MAY 29, 1775.

It being expected that the present congress will be dissolved this night, and hearing that one volume of copies of Mr. Hutchinson's letters are in the hands of Capt. McLane, at the upper paper mills in Milton, which volume may be of use to this colony, if in the hands of the Provincial Congress; therefore

Resolved, That the Rev. Mr. Gorden, of Roxbury, be desired and empowered to receive from said Capt. McLane all such copies as are in his hands, or in any other hands, and to be accountable to the present or some future congress for the same.

[Extracts from the Records of the Committee of Safety, p. 85.]

Whereas, Mr. Edmund Quiney, of Stotingham, has represented to this committee that sundry household goods and other effects, now or late the property of Thomas Hutchinson, Esq., and other persons publickly known to be also enemies to the rights and liberties of America, are hid in several places in and near Milton, which property will probably be lost or wasted, unless proper care is taken of the same for such persons as may hereafter justly claim the same; therefore

Resolved, That said Quincy be and hereby is impowered to receive and convey to this committee, at Cambridge, all such goods and effects as aforesaid, for the use of such person or persons as the

honorable congress or some future congress or house of representatives of this colony may order; he also producing to this committee, the congress or house of representatives an account of all the articles he may so receive, the names of the persons from whom he may receive the same, and an account of the charges that may arise from such salvage and removal. And he also is hereby empowered to press, if necessary, such teams as may be needed for removing such effects. Also,

Resolved, That this be immediately transmitted by the hands of said Quincy to the honorable congress, now sitting at Watertown, for their approbation or disapprobation.

WEDNESDAY, June 7, 1775, Afternoon.

Ordered, That Mr. Orne and Mr. Vose be of the committee appointed to collect the letters of the late Governor Hutchinson, in the room of Doct. Perkins and Mr. Ellis, who are absent.

Tuesday, July 4, 1775.

A resolve of the committee relative to the goods of Thomas Hutchinson, Esq., and others, hid in and about Milton, was read, and committed to Major Bliss, Col. Grout and Mr. Crane.

[Extracts from the General Court Records, Vol. 33, p. 130.]

Records of the Great and General Court of Assembly for the Massachusetts Bay in New England, begun and held at Watertown, in the county of Middlesex, on Wednesday the twenty-sixth day of July, 1775.

In the House of Representatives, August 18, 1775.

Ordered, That Colonel Orne and Mr. Cushing, with such as the honorable board shall join, be a committee to consider what is proper to be done with the letters of the late Governor Hutchinson, and how they shall be preserved.

Sent up for concurrence.

JAS. WARREN, Speak'r.

In Council, August 19, 1775.

Read and concurred, and John Adams, Esq., is joined.

S. Adams, Sec'y.

The committee above named report that it is of great importance that the letters and other papers of the late Governor Hutchinson be carefully preserved, as they contain documents for history of great moment; and that evidence, in the handwriting of a man -161

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whose nefarious intrigues and practices have occasioned the shedding of so much innocent blood, and brought such horrid calamities on his native country, may be preserved for the full conviction of the present and future generations; and therefore that such of the letters and papers aforesaid as are not now in the custody of the Honorable Samuel Dexter, Esq., at Dedham, be delivered to him, and together with those, already under his care, faithfully kept by him, until the further order of this court, and that such of them be published from time to time as he shall judge proper.

John Adams, per order.

IN COUNCIL, August 19, 1775.

Sent down for concurrence. Read and accepted.

Sam'l Adams, Secr'y.

[Extracts from the Mass. Archives, Vol. 208, p. 227.]
IN THE HOUSE OF REPRESENTATIVES, 23d March, 1776.

Whereas, The mandamus counsellors, commissioners of the custom and others, the open and avowed enemys to the rights of their country and the cause of liberty, have been compelled, by the terror of the American arms and the apprehension of the resentment of a justly incensed people, to depart the town of Boston, at any time since 19th April, 1775, and before 20 March instant, abandoning not only their houses and real estates, but also, in their hasty and precipitate flight, their personal and other moveable effects to a very considerable value,—

Resolved, That Mr. Brown, Mr. Sp'k'r Cooper, Deac'n Rawson, Mr. Pitts and Col'n Sartel be a committee to repair to the town of Boston, and there take or cause to be taken just and true accounts of said houses and real estates, personal and other moveable effects, the property of the before mentioned mandamus counsellors and others, to commit the charge and care of said estates and effects to such suitable persons as they may judge proper, and to make report of their proceedings herein as soon as may be, that this court may take such farther order thereon as may be necessary and fitting.

Sent up for concurrence.

WILLIAM COOPER, Sp'r pro tem'e.

In Council, March 25th, 1776.

Read and concurred as taken into a new draught.

Sent down for concurrence.

PEREZ MORTON, D. Sec.

IN HOUSE OF REPRESENTATIVES, March 25th, 1776.

Read and concurred.

Sent up.

WILLIAM COOPER, Sp'r pro tem'e.

Consented to:

W. Sever.
CHAS. CHAUNCY.
W. SPOONER.
JOSEPH GERRISH.
JABEZ FISHER.
T. CUSHING.
MOSES GILL.
JOHN WHETCOMB.
JED'H FOSTER.
JOHN TAYLOR.
JAMES PRESCOTT.
B. LINCOLN.

I. PALMER.

[Mass Archives, Vol. 208, p. 226.]

IN THE HOUSE OF REPRESENTATIVES, 23d March, 1776.

Whereas, The mandamus councellors, commissioners of the customs and others, open and avowed enemies to the rights and liberties of America, have departed the town of Boston, through fear of the American arms and the just resentment of their injured countrymen, since the nineteenth day of April, 1775,

Resolved, That Mr. Brown, Mr. Speaker Cooper, Deacon Rawson, Mr. Pitts and Colo. Sartell be a committee to repair to the town of Boston, and take or cause to be taken a just and true inventory of all the estate, real and personal, of all kinds, belonging to such persons as have departed the said town in manner as aforesaid, and report the same to this court as soon as may be, that such further proceedings may be had thereon as shall be thought proper; and that said committee, in the mean time, cause such effects to be secured in such manner as to prevent any embezzelment thereof.

Recorded page 683.

Endorsed—"Resolve to secure tories' estates in the town of Boston."

The following are inventories of the real and personal estates of those persons who have been inimical to the rights of America, and have fled from Boston, and are herein recorded by order of the committee of the general court appointed for that purpose, vizt.: Thomas Hutchinson, Thomas Hutchinson, Ju'r, and Elisha Hutchinson:—

At Widow Stoddard's:-

6 mahogany chairs.

1 mahogany case of draws.

2 looking glasses.

4 sacking bottom bedsteads.

1 pr. dogs.

1 pr. kitchen hand-irons.

1 mahogany fire-screen.

1 square snap table.

1 card table.

3 31-feet mahogany tables.

1 mahogany cradle.

1 walnut chamber table.

1 round snap table.

1 close stool.

3 small marble slabs.

1 round chamber table.

At Doct'r Eliot's:-

1 mahogany bureau.

Desk; a chaise and harness.

1 desk and book-case, glass doors.

1 four-feet mahogany table.

1 painted screen.

1 handsome 8-day clock.

2 small mahogany stands.

1 small box case-knives.

12 rich mahogany hair-bottom chairs.

6 do. furniture check.

2 arm-chairs.

2 mahogany bedsteds.

1 pallat bedstead and bed.

1 mahogany fire-screen.

1 small stand.

6 straw-bottom kitchen chairs.

1 black walnut chamber table.

1 pair large brass andirons.

1 pair dogs.

1 glass frame for a time-peice.

2 tin dish covers.

1 china jarr.

1 bird cage.

1 pair table leaves.

2 leather bottom easy chairs.

2 roundabout horse-hair do.

46 pewter plates and dishes.

1 spitt; 1 frying-pan.

1 tin cover.

1 dish kettle.

1 dripping pan.

2 broken lanthorns.

2 rich mahogany arm-chairs.

1 mahogany cooler.

3 pietures.

1 mahogany card-table.

1 copper ship stove.

3 iron kettles.

1 four-feet pine table.

1 chariot and harness.

1 buby hutch.

1 horse saddle.

1 chest of draws.

1 sacking bottom bedstead.

10 odd chairs.

A parcel of books and papers of little value.

The large mansion house, out-houses, stables, wharves, stores, &c., &c.

At. Doct'r Clarke's:-

1 chimney glass.

1 mahogany bureau.

Desk; 1 easy chair.

4 large pictures, 2 broke.

1 glass lamp.

2 glass salvers, 1 broke.

13 stone plates and dishes.

1 sett furniture.

Curtain vallents.

1 horse net.

2 window curtains, furniture check.

3 do. cushions.

6 stuff-back chamber chairs.

6 leather bottom chairs.

4 horse-hair do.

1 bed, bolsters and 2 pillows.

A case containing 4 elegant gilt looking glass.

[Mass. Archives, Vol. 208, p. 328. Gen. Court Records, Vol. 34, p. 718.]

IN THE HOUSE OF REPRESENTATIVES, April 3d, 1776.

Whereas, This court have received information that considerable parts of the real and personal estates of the mandamus councillors, commissioners of the customs and other open and avowed enemies to the rights and liberties of America, who have departed this colony since April 19th, 1775, are now in the possession of persons

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who have clandestinely taken the same; and others, under pretence of gift, sale or attachment, claim a right to hold and enjoy such estate and effects, by which practises the public or individuals may be greatly injured; for prevention whereof.—

Resolved. That the committee appointed to take inventories of and to secure, till the further order of this court, the estate and effects of said absconders in the town of Boston, be and hereby are empowered to cause every such person or persons as they know or have good cause to suspect have in their occupation or possession any estate, late the property of the aforesaid mandamus councillors, &c., and them to examine thereon, and, if need be, to require answers upon oath respecting the concealment or conveyance of said effects, as the law allows in similar cases with respect to the effects of intestates; and said committee are also authorized and directed to take into their possession and secure such estate and effects; (as also the estate and effects of any persons in Great Britain, which, by vertue of powers of attorney, were under the care and direction of said mandamus councillors, &c.,) until the further orders of this court, any attachment or civil process made or commenced since the 19th of April last notwithstanding.

[Mass. Archives, Vol. 209, p. 107.]

IN THE HOUSE OF REPRESENTATIVES, May 2, 1776.

Whereas, By a resolve of this court in March last, a committee was appointed, after the enemy fled from Boston, to repair to the town of Boston, and there take possession of houses and real estates personal and other moveable effects belonging to mandamus councellors and others that were left in the said town by any person who went off with the fleet and army, and to keep the same in their possession till the further order of the general court. And whereas, afterwards, vizt., on the 19th day of April last, a resolve passed this court impowring the committees of correspondence, &c., to lease out the real estates of certain persons therein particularly mentioned, and to return an inventory of all personal estate belonging to such persons as they should receive into their possession as by the same resolve will fully appear.

And whereas it is apprehended by some persons that the resolve last mentioned may interfere with the resolve for appointing the committee aforesaid to take possession of the personal estates of those who went off from Boston with the fleet and army; therefore

Resolved, That the committee appointed by the House of Representatives for the purpose first mentioned, be and they hereby are

"

fully authorized and impowred to retain in their possession all such real and personal estate as they have already taken or hereafter may in pursuance of their first appointment take into their possession, and lease out said real estates as the committee of correspondence, &c., are authorized to do till the further order of the great and general court of this colony, the resolve of the 19th of April notwithstanding: provided, always, that untill the further order of the general court there be allowed to the wives and children of said aforesaid persons as are above described so much out of their respective estates, or the improvement thereof, as is necessary, in the judgement of the committee, for their support, they being unable otherways to support themselves.

And whereas sundry articles of the estates above mentioned may be liable to perish, it is therefore further resolved that the committee first aforesaid be another hereby are directed and empowered to dispose of such perishable articles and such only, by public sale, and render an account of the proceeds to the general court as soon as may be.

[Mass. Archives, Vol. 209, p. 437.]

To the Honorable the General Assembly for the Colony of the Massachusetts Bay, convened at Watertown May 29th, 1776.

MAY IT PLEASE YOUR HONOURS,—By virtue of a Resolve of the general court of the 19th of April last, we, the committee of correspondence, safety and inspection, have proceeded to take into our care and have leased out the real estate of the late Governor Hutchinson, (lying in Milton,) as follows, viz.:—

To	Mr. Samuel Henshaw, Ju'r, the dwelling-	house	barı	1,			
	stable, yard and garden, at	•			£13	16s.	6d.
	Capt. Daniel Vose, part of the land, at .				21	8	2
	Mr. Nehemiah Clap, a part of the land, at		•		10	11	11
	Mr. Adam Davenport, a part of the land, at				7	17	9
	Mr. Moses Haden and John Box, an out-house	and	part o	of			
	the land,				4	4	0
	Mr. Joseph Jones, a part of the land, at .				7	16	8
				_			
	The whole amounting to				£65	15e	0d

Of the personal estate, we have received into our care and taken an inventory of the following articles, viz.:—

Two coaches.
One brass kettle.
Two common house chairs.
One roundabout chair.

One iron pot.
One looking glass.
One plough.

The remainder of the personal estate, consisting chiefly of household furniture, as we understand, was taken away from said Hutchinson's mansion house by order of the selectmen and committee of correspondence last year, and no inventory taken of them, (except by cart loads,) and delivered into the care of Colon'l William Taylor; and we, the present committee, after having received the Resolve of the 19th of April last, respecting the personal as well as real estate of our enemies, thought it our duty to take an inventory of said personal estate, and accordingly applyed to said Col. Taylor for admission for that purpose repeatedly, and shew him the order of court; but he peremptorily forbid us entering the apartment where said personal estate was, and said he did it in the name of the committee, (with whom he had consulted;) and we have, in consequence of said refusal, omitted taking an inventory of the goods in said Taylor's custody.

We would also inform the honorable court that there is a real estate in the town of Milton, owned by a person or persons in England, which estate was some years past been verbally lett to Capt. Daniel Vose, by Henry Lloyd, then of Boston; and we, being uncertain whether it fell under our care, beg leave to ask the opinion of the honorable court concerning it. Therefore beg this honorable court what shall be don with this and the above affair, that committee may know what steps to take.

Joseph Badcock, per order.

In the House of Representatives, Watertown, June 27, 1776.

Resolved, That the committee of correspondence, safety and inspection of the town of Milton be and they are hereby impowered to take into their possession the personall estate of Thomas Hutchinson, late of said Milton, which is in the possession of Coll. Taylor, in said Milton, or wherever else it may be found, excepting such as may have been otherways disposed of by order of the general court, and to follow the directions of this court respecting the same as in similar cases provided.

And farther resolved, That said committee take into their care the estate let to Cap'n Daniel Vose by Henry Loyd, late of Boston, who fled with the ministerial fleet, observing the direction of court with respect to the estates of refugees.

ACTS AND LAWS passed by the Great and General Court or Assembly of the Massachusetts Bay, in New England, begun and holden at Boston, in the county of Suffolk, on Wednesday, the twenty-seventh day of May, Anno Domini 1778; and from thence continued by adjournments to Wednesday, the seventh day of April following and then met.

[CHAP. IX.]

An Act to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late province, now State, of Massachusetts Bay.

Whereas, The several persons herein mentioned have wickedly conspired to overthrow and destroy the constitution of government of the late province of Massachusetts Bay, as established by the charter agreed upon, by and between their late majestics William and Mary, late king and queen of England, &c., and the inhabitants of said province, now State, of Massachusetts Bay; and also to reduce the said inhabitants under the absolute power and domination of the present king, and of the Parliament of Great Britain; and as far as in them lay have aided and assisted the same king and parliament in their endeavors to establish a despotic government over the said inhabitants.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That Francis Bernard, baronet, Thomas Hutchinson, Esq., late governors of the late province, now State of Massachusetts Bay, Thomas Oliver, Esq., late lieutenant-governor, Harrison Gray, Esq., late treasurer, Thomas Flucker, Esq., late secretary, Peter Oliver, Esq., late chief-justice, Foster Hutchinson, John Erving, Jr., George Erving, William Pepperell, baronet, James Boutineau, Joshua Loring, Nathaniel Hatch, William Browne, Richard Lechmere, Josiah Edson, Nathaniel Rea Thomas, Timothy Ruggles, John Murray, Abijah Willard, and Daniel Leonard, Esqs., late mandamus counsellors of said late province, William Burch, Henry Hulton, Charles Paxton, and Benjamin Hallowell, Esqs., late commissioners of the customs, Robert Auchmuty, Esq., late judge of the vice-admiralty court, Jonathan Sewall, Esq., late attorney-general, Samuel Quincy, Esq., late solicitor-general, Samuel Fitch, Esq., solicitor or counsellor at law to the board of commissioners, have justly incurred the forfeiture of all their property, rights and liberties, holden under and derived from the government and laws of this State; and that each and every of the persons aforenamed and described shall be held, taken, deemed and adjudged to have renounced and lost all civil and political relation to this and the other United States of America, and be considered as aliens.

Be it enacted by the authority aforesaid,

That all the goods and chattels, rights and credits, lands, tenements and hereditaments, of every kind of which any of the persons herein beforenamed and described were seized or possessed, or were entitled to possess, hold, enjoy or demand, in their own right, or which any other person stood or doth stand seized or possessed of, or are or were entitled to have or demand to and for their use, benefit and behoof, shall escheat, annure and accrue to the sole use and benefit of the government and people of this State, and are accordingly hereby declared so to escheat, enure and accrue, and the said government and people shall be taken, deemed and adjudged, and are accordingly hereby declared to be in the real and actual possession of all such goods and chattels, rights and credits, lands, tenements and hereditaments, without further enquiry, adjudication, or determination hereafter to be had, anything in the act entitled "An Act for confiscating the estates of certain persons commonly called absentees," or any other law, usage, or custom to the contrary notwithstanding: provided, always, that the escheat shall not be construed to extend to, or operate upon any goods, chattels, rights, credits, lands, tenements, or hereditaments, of which the persons aforenamed and described, or some other in their right, and to their use, have not been seized or possessed, or entitled to be seized or possessed or to have, or demand as aforesaid since the nineteenth day of April, in the year of our Lord one thousand. seven hundred and seventy-five.

And be it further enacted by the authority aforesaid,

That all debts justly due from any of the persons aforenamed and described to any subject of the United States of America, before the said nineteenth day of April, A. D., one thousand seven hundred and seventy-five, shall be payable out of their respective estates.

And be it further enacted by the authority aforesaid,

That where the wife or widow of any of the persons aforenamed and described shall have remained within the jurisdiction of any of the said United States, and in parts under the actual authority thereof, she shall be entitled to the improvement and income of one-third part of her husband's real and personal estate, after payment of debts, during her life and continuance within the said United States; and her dower therein shall be set off to her by the judges of probate of wills, in like manner as it might have been if her husband had died intestate and a liege subject of this State.

And be it further enacted by the authority aforesaid,

That if any person whose estate is by this act adjudged to have

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escheated as aforesaid, shall not have any wife or widow entitled to any part thereof by virtue of this act, shall have any relations (collateral kindred excepted,) who may not be of sufficient ability to support themselves without some allowance out of the estate of such person to whom they stand related as aforesaid, that the judge of probate of wills, who shall have the right of appointing agents for such estate, be, and he hereby is authorized and directed to fix a competent allowance from time to time, for the comfortable support of all such relations, having respect to the value of such estate.

[Mass. Achives, Vol. 154, p. 410.]

IN HOUSE OF REPRESENTATIVES, May 5th, 1780.

Whereas, John Brown, William Cooper, Dea'n Edward Rawson, John Pitts and Josiah Sartell were, by a Resolve of the general court, of the twenty-third day of March, in the year 1776, appointed a committee to take into their custody all the personal estate of such persons as voluntarily went off with the enemy at the time Boston was evacuated, and according to the orders of the court to dispose of the same, and to account for the proceeds; and whereas said committee have neglected to settle their accounts, notwithstanding the frequent orders of the general court for that purpose;

And whereas the good people of this State have manifested great uneasiness that the committee of sequestration, so called, have not exhibited, as yet, a fair accounts of the disposal of the aforesaid goods and chattels, and obtained an honorable discharge for so much of the same as they may have disposed of by private or public sale; therefore,

Resolved, That the Hon'ble William Phillips, Esq., the Hon'b. Nathan Cushing, Esq., Samuel Osgood, Esq., Lemuel Kollock, Esq., and Mr. Nathan Frazier be and hereby are appointed a committee to examine into the conduct of the aforesaid John Brown, William Cooper, Dea'n Edward Rawson, John Pitts and Josiah Sartell; and also to send for and examine any persons or papers which they may think necessary for the purposes aforesaid.

And whereas it may be necessary that the committee appointed to examine into the conduct of the said committee of sequestration should be attended with some civil officers, in order to prosecute the business with dispatch; therefore it is

Resolved, That such of the constables of the town of Boston, in the county of Suffolk, as the said committee shall direct and require to attend them, shall and hereby are directed to give their atten-

dance accordingly; and are also empowered and directed to serve and execute any summons, order or other process which the said committee shall issue in pursuance of the power and authority given them as aforesaid.

And it is farther resolved, That the president of the said committee, for the time being, shall be and hereby is authorized and directed to administer a proper oath to any person or persons whom the said committee shall think fit to examine as a witness or witnesses, touching the subject-matter of their enquiry.

And such summons, order or other process which shall be issued by said committee as aforesaid, shall be signed by the clerk appointed by said committee, and not by any member of said committee.

And all persons are directed to yield obedience to every such summons, order or other process, on pain of imprisonment for their contempt or refusal, by order of said committee.

And said committee are hereby directed to proceed upon said business immediately, and make report of their doings to the general court as soon as may be.

Sent up for concurrence.

JOHN HANCOCK, Sp'k'r.

IN COUNCIL, May 5, 1780.

Read and concurred.

JOHN AVERY, D. Sec.

OLIVER PRESCOTT.

N. Cushing.

THOS. DURFEE.

AARON WOOD.

SAML. NILES.

Consented to: Jer. Powell.

JER. POWELL.
A. WARD.
T. CUSHING.
S. ADAMS.
I. FISHER.
H. GARDNER.
B. WHITE.

H. GARDNER. A. FULLER.
B. WHITE. EDW'D CUTTS.
T. DANIELSON. I. SIMPSON.

[Mass. Archives, Vol. 142, p. 421.]

In the House of Representatives, October 14, 1783.

Ordered, That the secretary be and he hereby is directed forthwith to make application to the Honorable Samuel Dexter, Esq., and the Reverend William Gordon, Doctor of Divinity, for the letters of the late Governor Hutchinson, which were found within this State, after he left the same, and to receive the same letters from any person in whose possession they may be, and to file them carefully among the papers of this State.

Sent up for concurrence.

TRISTRAM DALTON, Sp'k'r.

IN SENATE, October 15, 1783.

Read and concurred as taken into a new draft.

Sent down for concurrence.

S. Adams, Presid't.

In the House of Representatives, October 16, 1783.

Read and concurred.

TRISTRAM DALTON, Sp'k'r.

Approved.

JOHN HANCOCK.

[Mass. Archives, Vol. 142, p. 422.]

COMMONWEALTH OF MASSACHUSETTS.

In the House of Representatives, October 14th, 1783.

Whereas, In the year 1775 certain letters were found in the mansion house of Thomas Hutchinson, Esq'r., late governor of the province of the Massachusetts Bay, written by the said Hutchinson to persons of public character and others in England and elsewhere, which letters tend to the discovery of the plans which had been secretly laid for the destruction of the rights, liberties and privileges of the then British colonies; and whereas the said letters were committed to the care of the Honorable Sam'l Dexter, Esq'r., with permission to the Rev'd Doct'r William Gordon to take and select such of them as he should judge proper for immediate publication;

And whereas, it is highly expedient that papers so adapted as the said letters appear to be to mark the leading principles and characters in the late happy American Revolution, should be safely kept among the archives of this Commonwealth, that so the historian and others may avail themselves thereof, under the direction of the general court;

Resolved, That the said Sam'l Dexter, Esq'r., Dr. William Gordon, and all others who are possessed of any of the said letters of the said Thomas Hutchinson, Esq'r., be and they hereby are required to return the same into the secretary's office without delay.

Ordered, That the secretary serve the said Sam'l Dexter, Esq'r., and Doct'r William Gordon with an attested copy of the foregoing resolution, and also to publish the same in one of the Boston, the Salem, Worcester and Springfield newspapers.

[Mass. Archives, Vol. 142, p. 423.]

DEDHAM, October 18, 1783.

Sir:—I this morning received your letter, inclosing a resolve of the honorable general court, requiring me to return, "without

delay," into the secretary's office, certain letters of the late Governor Hutchinson.

These letters, and other papers, very soon after they were discovered in his house in Milton, were brought over to Watertown, where the Massachusetts Congress, so called, then sat. They lay open for the inspection and perusal of everybody who had curiosity enough to look into them; and in consequence of the free access which all persons, without discrimination, had to them, I suppose it was owing that letters, either written by or to him, have been scattered about the State. I remember to have heard it said, two or three years after they were found, that some of them were shewn in towns very remote from the capital, although I do not recollect the names of such towns.

That there might be no further pillaging, they were, by a resolve of that public body, committed to me, accompanied with a desire that I would "select such of them as I should judge proper for immediate publication," and cause them to be printed in newspapers, or in a pamphlet, with remarks, if I should think them needful.

On my motion the Reverend Dr. Gordon had permission to look over the manuscripts at his pleasure, and had a concurrent power given him to publish and comment upon them.

In the year 1776, the general court, on a report of a committee of both houses, of which the Honorable Mr. Adams, now in Europe, was chairman, recommitted them to my keeping, charging me with their safe preservation, as "containing valuable documents for future history;" and every letter-book and paper which were in my custody at that time, and that have come into my hands since the passing the last mentioned resolve, are now in my possession; nor are any missing of the whole number delivered to me at Watertown, unless some are retained by Dr. Gordon, who had a right, from the vote of the provincial congress, to be possessed of any of them for the purpose above mentioned; but who, immediately after the date of the resolve of the general court, giving me the sole care of them, sent to me, as I understood him, all he had taken to his house.

In faithfulness to my trust, I have all the letter-books and papers safely deposited in a large box, weighing, with its contents, near one hundred pounds, which, since my receipt of the resolution of the honorable court, I have nailed up, and keep in readiness to be delivered to any messenger or servant of their honors who may be ordered to call upon me for it.

I am, sir, your most obedient servant,

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I am, sir, your most obedient servant,

SAMUEL DEXTER.

[Journal of House of Representatives, 1821.]

COMMONWEALTH OF MASSACHUSETTS.

In the House of Representatives, Thursday, February 13, 1821.

Ordered, That the Secretary of the Commonwealth be directed to make out a statement of the present condition of the public records and documents belonging to the Commonwealth, and showing what progress has been made in copying the same, the said report to be presented at the next session of the legislature.

[Under this Order the Secretary made a report in which occurs the following passage, being the whole of his report having any bearing upon the question of the Hutchinson Papers. After specifying "Court Records, Journals of Provincial Congress, sundry letters, records, and other MSS., miscellaneous papers, &c.," under "class 4th—other files and documents," the report reads (page 11):

"Several files of papers saved from the riot at Gov. Hutchinson's house: some of them of a private nature and some of them public documents collected by him probably as materials for his History of Massachusetts, and a volume of State Papers which he had published. These not being considered as belonging to the Government, or as any part of the records of the Commonwealth, or ancient colony or Province, some of them, valuable chiefly for their antiquity, were selected by the undersigned, with the consent and approbation of the Supreme Executive, and deposited in the Library of the Massachusetts Historical Society, a list of them being first made and kept in the Secretary's office."—Report of Secretary Bradford to the legislature, April 17, 1821.]

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, BOSTON, January 1, 1846.

To the President and Fellows of the Massachusetts Historical Society.

Gentlemen:—In the course of some recent proceedings for the completion and arrangement of the ancient papers in this office, my attention has been drawn to three volumes called the "Hutchinson Papers," now in the library of the Historical Society. I suppose these papers to have come into our library by mistake, and to be the property of the Commonwealth.

They are referred to in the record of the meeting of the Historical Society on the 27th day of January, 1820, as having been "presented to the society by the permission of the governor and council." I have had a careful examination made of the council records

of the period, and do not find any proceedings of the governor and council to this effect. Nor would it have been within the constitutional competency of the executive department of the government. Such a disposition of the papers could only have been made by an Act or Resolve of the legislature, and no law so disposing of them appears to have been passed.

I have very respectfully to request that an examination may be made into these facts, in order that, if they, and my opinion founded upon them, be confirmed, the society may take measures for restoring the volumes in question to the custody of this office.

I have the honor to be, &c.,

JOHN G. PALFREY.

Secretary's Office, Boston, January 19, 1847.

To the President and Fellows of the Massachusetts Historical Society.

Gentlemen:—In the month of January last I made a communication to your society, representing that in the course of some proceedings for the completion and arrangement of the ancient papers in this office, my attention had been drawn to three volumes called the "Hutchinson Papers," now in the library of the Historical Society, and that I supposed these papers to have come into our library by mistake, and to be the property of the Commonwealth.

I added that they were referred to in the record of the meeting of the Historical Society on the 27th day of January, 1820, as having been "presented to the society by the permission of the governor and council," and that I had had a careful examination made of the council records of the period, and did not find any proceeding of the governor and council to this effect. And I suggested that it would not have been within the competency of the executive department of the government, the papers being subject to such a disposal only by an Act or Resolve of the legislature, and no law so disposing of them appearing to have been passed.

I accordingly requested that an examination might be made into the facts in order that if they, and my opinion founded upon them, should be confirmed, the society might take measures for restoring the volumes in question to the custody of this office.

Not having received any reply to this application, I ask permission respectfully to repeat the request, that it may receive the attention of the society.

I have, &c.,

JOHN G. PALFREY.

SECRETARY'S OFFICE, BOSTON, July 27, 1847.

To the President and Fellows of the Historical Society.

Gentlemen:—On the nineteenth day of January last, I made a representation to the Historical Society respecting certain manuscript volumes entitled the Hutchinson Papers, supposed by me to belong to the archives of the Commonwealth, and to have been placed in the library of our society by mistake. May I respectfully ask to be informed of the decision or action had by the society on this subject.

I have the honor to be, gentlemen, with great respect, Your obedient servant,

JOHN G. PALFREY.

Extract from the Annual Report of Hon. John G. Palfrey, Secretary, January 5th, 1848. [House Document, No. 2, 1848, page 9.]

Entertaining the opinion that certain writings, called the "Hutchinson Papers," formerly in this office, were transferred to that collection through a mistake, I have made applications to the society to have the subject considered, in order that if my impression should prove to be well founded, the papers might be restored to the custody of the Commonwealth. I have received no reply to the applications, nor has anything come to my knowledge to change my opinion on the subject. My views, and the manner of presenting them, are on record in the letter-book of this office, under the dates of January 1st, 1846, and January 19th and 27th, 1847.

[Although not a legislative document the following paper from the Massachusetts Historical Society, (furnished by Dr. Ellis,) is here inserted as showing the action of the Society upon Dr. Palfrey's letters.]

[Report of Committee of Massachusetts Historical Society.]

Mass. Historical Society, Oct. 25th, 1849.

The Committee appointed with authority to address to the general court a memorial in relation to the statement made by the secretary of the Commonwealth, concerning certain papers in possession of the Society, and claimed as the property of the State, and to take such other measures in the premises as they may deem expedient, respectfully submit the following report:—

The Committee are entirely satisfied, that it is not expedient to address any memorial to the general court, since, notwithstanding the repeated representations and requests of the secretaries of the Commonwealth, the general court has not indicated the slightest intention of setting up any such claim as they recommend; and therefore it would seem superfluous, if not obtrusive, to trouble them with a refutation of it.

Nor do your Committee think it necessary or expedient to adopt any other measure whatever, as they fully concur with your former committee in the opinion, that the open and undisputed possession of these papers by the Society, as their own, for more than a quarter of a century, constitutes a title which cannot be impeached.* Considering that the Society holds these papers, from whomsoever received, not for any pecuniary emolument to itself or its members, but on the implied trust, that they shall be kept and preserved by it for the purpose of historical investigation, it is, in the opinion of your Committee, the duty of the Society to maintain its title to them, and if any claim to them should hereafter emanate from competent authority, they recommend, that it be resisted on the ground above stated.

The Committee will now proceed to consider for the purpose of information merely, and not as a part of their report, the ground presented in the letters of the late secretary of the Commonwealth, for the claim put forth by him. It is, in substance, that these papers are referred to, in the records of the meeting of the Historical Society on the 27th January, 1820, as having been "presented to the Society by the permission of the governor and council;" and that the governor and council had no right to give away the property of the State.

Now this argument rests entirely on two assumptions, both of which are necessary to support it, yet neither of which is admissible:

1st. That these papers, i. e. all of them, for all are claimed, are referred to in the record mentioned.

2d. That the papers referred to in that record were the property of the State.

The record reads thus: "The additional letters found by Mr. Secretary Bradford among the papers of Governor Hutchinson, and presented to the Society by the permission of the governor and council, were referred to the publishing committee." The additional letters—a very singular mode of expression, if intended to designate the whole miscellaneous contents of these three folio volumes. It seems hardly possible to look at those contents, consisting of from two to

three hundred distinct documents of the most various character, (which were then not bound up together but in loose files,) not one-half of them letters, since of the 466 folios composing the collection, only 170 are occupied by letters and their superscriptions, and to believe, that it was intended to describe the whole collection by the words "additional letters;" words plainly importing, that they were an addition to papers of the same character already belonging to the Society. Indeed, such a belief can be accounted for only by the fact, that this gift from the governor and council was found recorded, but no record of the gift from any other quarter of the residue; and hence the late secretary appears, perhaps not unnaturally, to have concluded, as other members may possibly have done, that this whole collection of papers was given at the same time, regarding them after they were bound up under one title, as one thing.

Fortunately it so happens, that we know precisely what were the papers actually presented by Mr. Bradford, and can clearly explain how the rest may have been previously given without any entry on the record. At first, the donations of members of the Society were not acknowledged nor recorded, but merely those of strangers. Those of members were only mentioned in lists made out by them severally and put on file, and the early files are lost.* Very soon however, all donations were recorded and occasionally acknowledged; and after the year 1813, complete lists of them all were regularly published by the Rev. Dr. Holmes, corresponding secretary. It was his custom to set against the name of each donor all. the articles given by him since the making up of the last preceding list, whether given altogether, or at various times during the interval. The list published in 1822, comprising all donations made after the preceding list published in 1819, enumerates several papers, which it describes particularly, and places together under the heading, "Old letters and papers from Governor Hutchinson's MS. Collection;" stating them to have been given by "Alden Bradford, Esgr., Secry of State."

These are the only papers stated to have been given by him during this period, and of course are the papers presented by per-

^{*} H. Hist. Coll., V. 2, p. 285, and Record of meeting, 9 April, 1791.

[†] II. Hist. Coll., V. 9, p. 370.

NOTE. The entry of record April 9, 1791, referred to in the above note, is as follows:—

[&]quot;The committee who were appointed to inquire what collections could be made towards forming a Historical Library delivered in lists from each member as on file."

The other notes refer to works in print easily found.

mission of the governor and council; and they are aptly enough designated by the language of the record. The above heading must mean the collection originally made by Governor Hutchinson, for of course it was not then his, since all the property really belonging to him at any time, after April 19, 1775, became that of the State. The only ground assigned by the secretary for considering the papers given by Mr. Bradford the property of the State is, that they were given to the Society by the authority of the governor and council, which would rather seem to prove the contrary. May they not have been given for the very reason that they did not belong to the State? They certainly did not belong, where they are said to have been found, among the Hutchinson papers in the State House, with which they have not the most remote connection. Admitting that these papers had been seized and carried to the State House with those of Governor Hutchinson, it does not follow that they then belonged to him. He might have parted with the whole collection, and afterwards these particular papers might have been borrowed from it, or in many other ways have come into his possession, without being his property; in which case they would not become, by confiscation, the property of the State. And it might appear upon the face of the papers themselves, or by some memorandum accompanying them, that they did not belong to him. This is a much more natural and proper supposition than that of gross ignorance or misconduct in the governor and council. Yet we are called upon to presume that they were totally ignorant of their duty in this respect, or that they wilfully violated it. Whereas, the natural and legal presumption is, until the contrary be clearly proved, that they knew their duty and fulfilled it. They knew, as well as we do, that they had no right to give away the property of the State, and they could have no disposition and no motive to give it away without right. The fact then, that they did give away this parcel of papers, or permit it to be given, which is the same thing, instead of proving that it was the property of the State, proves that it was not so, and that they knew it.

A brief account of the two collections, that of the State and that of the Society, may tend to throw some light on this matter, and to show that, instead of gross ignorance or fraud being imputable to any body, the conduct of all concerned in the transaction was upright, intelligible and consistent. The collection in the State House consists of four thick folio volumes, the first three of which contain about 1,500 letters to and from Governor Hutchinson, most of them from him, dated between 1761 and 1774, with a few brief accounts of legislative proceedings or popular commotions, written

by him, and absolutely nothing else. They are all in fair condition and exhibit no appearance of injury from exposure to the weather. These volumes are very properly labelled "Hutchinson Correspondence." The other volume contains the MS. of the first part of the second volume of his history, the draft of a long letter not addressed, copies of some documents relating to the witch cases, and a copy of his commission as governor, all but the last in his own handwriting. The copy of the history is much stained and torn, and soiled by mud. This volume is labelled "Hutchinson's MS. History, Vol. 2, etc." The papers contained in these volumes are known to have been taken, after the battle of Lexington, from a garret in the house at Milton, where Governor Hutchinson had resided.* They were bound up by order of the State about eight years ago.

The collection of the Historical Society is contained in three smaller volumes in folio, and is of the most miscellaneous character, consisting perhaps of 250 papers. The earliest is a letter from Mr. Levett at Ashby to John Cotton, at Boston in England, with a draft of Cotton's answer in his own hand on the same sheet, dated in 1625; the latest one of Gideon Hawley, dated in 1770. A few appear to have been added to the collection after 1765. Those belonging to it before are, at least a large proportion of them, much stained and soiled, and some of them marked with the print in mud of a naked foot.

These papers are undoubtedly a part of the collection of materials for the history of Massachusetts, stated by Governor Hutchinson, in the preface to the first volume of his history, to have been formed by him. The whole collection, together with the MS. of part of the second volume of his history, was thrown into the street in the rain by the mob who plundered his house in 1765, as he tells us in the preface to his second volume, where he also states, that a good portion of that MS. was saved "by the care and pains of his good friend and neighbour, Rev. Mr. Eliot, who received into his house all the books and papers which were saved." He states that this MS., though much injured, was so far legible, that he was able to supply the rest, and transcribe it. For this purpose he must have taken it away from Mr. Eliot's house, and it is without doubt that now in the State House.

It is not improbable that either then, or when he went to England in 1774, Governor Hutchinson may have given to his friend who saved them, the papers remaining in his house; and if so,

^{*} Journals of Provincial Congress, page 224, note.

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unless he differed entirely from all other collectors of MSS., it must have been with the injunction that they should never be separated.

If it should be found that Mr. Eliot, or his son and successor, John Eliot, who must have known all the circumstances, treated this collection, or any part of it, as his own property, this would be a strong proof, in the absence of all other evidence, that such a gift was in fact made.

Governor Hutchinson particularly mentions one work as an important part of the collection, and this may help to guide us to the whole; for where an important part of such a collection is found, there it is natural to look for the rest. The work is the "MS. of Hubbard's History of New England," of which it is well known that there was only one copy in America.

Now, as early as 1791, this MS. belonged to the Historical Society.* It was given to it "among other rich contributions," by the Rev. John Eliot, one of its founders.† The MS. was certainly a part of the collection. Is it not highly probable that these rich contributions were the residue, namely, the papers in question? Neither the MS. of Hubbard nor the other papers are mentioned on the records of the Society, but they were no doubt included in the donor's list among the lost files. These papers were arranged, indexed and bound by the late B. R. Nichols, at the request of the Society, in 1822.

It may be noted, that while the collection at the State House consists entirely of letters to Governor Hutchinson, and of letters and other MSS. of his writing; by far the greatest part of the whole collection being written by him; that of the Society is of as miscellaneous a character as possible; and that while the earliest date at the State House is Dec. 14, 1761, there are but eleven papers in the Society's collection of a later date than 1700, and only six later than 1724, not one among them being written by Governor Hutchinson, or having the most remote connection with the papers in the State House. Now the papers presented by Mr. Bradford have no connection with Governor Hutchinson's affairs whatsoever, but are of the same miscellaneous character as the Society's. All of them but one are dated before 1700, and that one in 1707. They are bound up with the other Hutchinson papers belonging to the Society; and on examination it is found that twothirds of them are stained and mud-marked like so many of the

^{*} I. Hist. Col., V. 1, p. 2.

[†] II. Hist. Col. , V. 5, prefatory notice.

papers saved by Mr. Eliot after the mob. It is impossible to read the list of them, as given by Dr. Holmes, without the suspicion, that they originally belonged to this collection. Do not all these circumstances convert that suspicion into rational belief? Now supposing,—and any not unreasonable supposition ought to be resorted to, in order to support so long a possession, and to shield the character of the Executive from the reproach which it is found necessary to cast upon it to maintain a pretence of claim to any of these papers,—supposing that Governor Hutchinson had given the collection to Mr. Eliot, and had afterwards borrowed these papers from it, or had taken them inadvertently when he took his MS. history, and that the fact that they belonged to it appeared by some memorandum found among the papers themselves, which is by no means impossible; supposing also that Mr. Bradford, a member of this, knew that the collection belonged here;—then the governor and council by permitting the papers to be given to the Society, were only restoring them to the true owners.

However this may be, it is perfectly obvious that, upon the reasoning of the late secretary of the Commonwealth himself, the State has not the shadow of a claim to the whole three volumes, but only to the papers given by Mr. Bradford, with the permission of the governor and council. And even should it be admitted that these were the property of the State, and that the governor and council had no right to give them to the Society, yet, nevertheless, the open and undisturbed possession of a quarter of a century gives the Society a clear and unquestionable right to hold them. And, considering the long lapse of time, the death of the agent employed in the transaction, and the other circumstances of the case, it is the opinion of your Committee that it is the duty of the Society to set up the statute of limitations against any claim to them from any quarter. This, indeed, is one of those cases for which that beneficent statute was mainly intended to provide, and which eminently prove its equity and its wisdom.

F. C. Gray,
N. APPLETON,
G. W. BLAGDEN,
PELEG W. CHANDLER,
ALEX'R YOUNG,

Committee.

COMMONWEALTH OF MASSACHUSETTS..

IN SENATE, Monday, May 27, 1867.

Ordered, That the Committee on the Library consider the expediency of directing the Secretary of the Commonwealth to obtain from the Massachusetts Historical Society any books, papers or documents now in their possession, the property of the Commonwealth.—Senate Journal, page 797.

[Senate Document, No. 279.] COMMONWEALTH OF MASSACHUSETTS.

In SENATE, May 30, 1867.

The Committee on the Library, to whom was referred an Order to inquire into "the expediency of directing the Secretary of the Commonwealth to obtain from the Massachusetts Historical Society any books, papers or documents now in their possession, the property of the Commonwealth," having carefully considered the same, respectfully submit the following Report:—

The following facts appeared in evidence before the Committee: The documents probably referred to by the Order are certain volumes known as the "Hutchinson Papers." These papers, when Governor Hutchinson's property was sold at auction, having been confiscated, were secreted in a bed and sold. After their discovery and the fact was made known, they were repurchased by the State at a cost of fifty pounds. They were placed with the other records in the department of the secretary of the Commonwealth, and remained there until 1820, when Mr. Bradford, then secretary, and also a member of the Historical Society, carried the papers which make the first three volumes, and gave them to the society. In January of 1846, Mr. Palfrey, then secretary, and likewise a member of the society, having his attention called to the fact, wrote a letter to the officers of the society, desiring their return. Receiving no answer, he wrote again, in January, 1847, and also in July of the same year. No notice whatever was taken of these letters, and so the matter rested until 1858. In the secretary's report of 1848, reference is made to these letters, copies of which are subjoined to this Report. (See House Doc. No. 2 of 1848.)

In 1858, the legislature by a Resolve directed the secretary of the Commonwealth to prepare and cause to be printed the New Plymouth Records. (See chap. 41 of Resolves of 1858.) Mr. David Pulsifer was appointed, and in prosecution of that work desired to

examine these papers. He went to the library of the Historical Society and requested permission to use them for that purpose; but his request was refused in pursuance of a rule of that society. He was therefore subjected to the disadvantage of making his record without the aid of valuable information contained in those papers. Last February, Mr. Dawson of New York desired to print the sermon of Rev. John Wheelwright, contained in the "Hutchinson Papers,"—a sermon of considerable historical value and importance,—but for a long time was unable to obtain a copy.

These papers, relating to the early history of the colony, extending over a period of thirty years, and transferred by mistake from the custody of the State to that of a society having no right to them, the Committee unanimously believe ought of right to be returned. This the Historical Society are not only unwilling to do, but even refuse an officer of the Commonwealth, whose property they are, when appointed to complete its early records, access to their information. The later manuscripts are still in the custody of the State, and these are needed to render our archives complete.

Besides, the "State House" being fire-proof, while the building used by the society is not, is a far safer repository for such valuable documents, valuable alike as a part of the State's history and as containing information which ought of right to be accessible to any person desirous of examining their contents. In the custody of the Historical Society, they are closed to those who may desire their perusal; when in the possession of the State, they would be within the reach of all.

Believing that they are clearly the property of the Commonwealth, the Committee think they should be returned.

The society was notified of the meeting of the Committee, but did not see fit to appear.

They therefore report the following Resolve.

Per order,

CHAS. J. NOYES, Chairman.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Sixty-Seven.
RESOLVE concerning the "Hutchinson Papers."

Resolved, That the governor be directed and enjoined to take such steps as to him seem necessary and proper to procure the immediate restitution of the books, manuscripts and other documents now in the possession of the Massachusetts Historical Society belonging to the Commonwealth.

The Resolve was finally passed by the legislature as follows:—

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Sixty-Seven.
RESOLVE concerning the "Hutchinson Papers."

Resolved, That the governor be requested to ascertain whether any books, manuscripts or other documents now in possession of the Massachusetts Historical Society, are the property of the Commonwealth, and to take such measures as he may deem proper to determine the question of title and procure the restoration of the same to the library of the Commonwealth; and that he report to the next general court the results of his action under this resolve.

Approved June 1, 1867.

COMMONWEALTH OF MASSACHUSETTS.

EXECUTIVE DEPARTMENT, BOSTON, March 19, 1868.

To the House of Representatives.

By a Resolve, chapter eighty-five, of the year eighteen hundred and sixty-seven, concerning the "Hutchinson Papers," the Governor was requested to ascertain whether any books, manuscripts or other documents now in possession of the Massachusetts Historical Society, are the property of the Commonwealth; and to take such measures as he might deem proper to determine the question of title and procure the restoration of the same to the Library of the Commonwealth; and report to the present General Court the results of his action under the Resolve.

I inclose herewith copies of the correspondence which has occurred between the Executive and certain officers of the Historical Society relative to this subject. It will be perceived from the communication of Messrs. Ellis, Parker and Washburn that the title of that society to the papers in dispute rests upon allegations which it is not in the power of the Executive to controvert without a thorough investigation, which it is more practicable for the legislature than this Department to pursue.

I therefore respectfully suggest that all the facts necessary to a just conclusion in this matter can be best ascertained upon an investigation made by a legislative committee clothed with power to send for persons and papers, and to examine witnesses under oath. This power seems essential in a case like the present; but the Governor does not possess it under our laws.

ALEXANDER H. BULLOCK.

COMMONWEALTH OF MASSACHUSETTS.

EXECUTIVE DEPARTMENT, BOSTON, Jan. 10, 1868.

To Col. Thomas Aspinwall, Vice-President of the Massachusetts Historical Society, Boston.

DEAR SIR:—In the absence of the President of your society, the Hon. Robert C. Winthrop, I have the honor to address this communication to you as its official representative.

By the Resolves of 1867, c. 85, the legislature of the Common-wealth requested me to ascertain whether any books, manuscripts, or other documents now in the possession of the Massachusetts Historical Society are the property of the Commonwealth, and to take such measures as he may deem proper to determine the question of title, and procure the restoration of the same to the library of the Commonwealth; and to report to the present legislature the result of my action under the Resolve.

From such information as I have been able to obtain, the Massachusetts Historical Society have in their possession certain papers known as the "Hutchinson Papers," which are the ones referred to in the legislative Resolve, and which were at one time the property of the Commonwealth. I am not aware of any way in which the title of the Commonwealth has ever been divested.

In order that I may discharge my duty to the Commonwealth, I request of you to inform me whether the Massachusetts Historical Society has such books, manuscripts or other documents, referred to in the Resolution of the legislature in its possession; if so, to give me a statement in detail of what they are; and to inform me by what title, if any, the Society claims to hold them.

I have the honor to be, very respectfully, your obedient servant,

(Signed,)

ALEX. H. BULLOCK,

Governor of Massachusetts.

Boston, January 13, 1868.

To His Excellency Alexander H. Bullock, Governor of the Commonwealth of Massachusetts.

Six:—In reply to your Excellency's letter of the tenth instant, addressed to me, as Vice-President of the Massachusetts Historical Society, I have the honor to state that the subject of the "Hutchinson Papers" is now under consideration by the proper committee of the Society, who will shortly report the result of their investigations.

I hope to place their report in your Excellency's hands at an early day.

I have the honor to remain, with greatest respect, your Excellency's most ob't servant,

(Signed,)

Thos. Aspinwall, Vice-President of the Mass. Historical Society.

MASSACHUSETTS HISTORICAL SOCIETY, BOSTON, February 13, 1868.

To His Excellency Alexander H. Bullock, Governor of the Commonwealth of Massachusetts.

Sir:—In the accompanying letter, addressed by the Massachusetts Historical Society's Committee on the "Hutchinson Papers" to your Excellency, I have the honor to transmit their report in relation to those papers, as intimated in my letter of the thirteenth of last month.

I have the honor to remain, with greatest respect, your Excellency's most ob't servant,

(Signed,)

THOS. ASPINWALL,
Vice-President of the Mass. Historical Society.

MASSACHUSETTS HISTORICAL SOCIETY.

At a stated monthly meeting of the Massachusetts Historical Society, on the 13th day of February, 1868, Col. Aspinwall in the chair, it was

Voted, That the report of the committee on the subject of the "Hutchinson Papers," read this day, be accepted.

Voted, That that part of the report which is expressed in the form of a letter to His Excellency, the Governor of the Commonwealth, be adopted by the society as their answer to the communication of His Excellency, of the 10th of January last; and that a copy of the same be transmitted to him by the acting president of the society.

Attest:

CHARLES DEANE, Recording Secretary.

Boston, February 13, 1868.

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COMMUNICATION FROM THE MASS. HIST. SOCIETY CONCERNING THE HUTCHINSON PAPERS.

MASSACHUSETTS HISTORICAL SOCIETY, February 13, 1868.

To His Excellency Governor Bullock.

The undersigned, a Committee appointed by the members of the Massachusetts Historical Society, have the honor to address your Excellency in reply to a communication received from you in reference to certain historical papers in the possession of the society, which, it is intimated, may be the property of the State, and therefore reclaimable by it.

Your Excellency refers to a Resolve of the legislature of 1867, chapter 85, requesting you "to ascertain whether any books, manuscripts, or other documents, now in the possession of the Massachusetts Historical Society, are the property of the Commonwealth; and to take such measures as the governor may deem proper to determine the question of title, and procure the restoration of the same to the library of the Commonwealth, and to report to the present legislature the result of his action under this Resolve."

Your Excellency adds, that, as the result of such information as you have obtained, you conclude "that the Massachusetts Historical Society have in their possession certain papers, known as the 'Hutchinson Papers,' which are the ones referred to in the legislative Resolve, and which were at one time the property of the Commonwealth. I am not aware of any way in which the title of the Commonwealth has ever been divested."

Your Excellency therefore asks to be informed whether the Massachusetts Historical Society has such books, manuscripts, or other documents referred to in the Resolution of the legislature, in its possession; if so, that the society give you a statement in detail of what they are, and inform you by what title, if any, the society claims to hold them.

The undersigned, fulfilling their commission, and seeking most respectfully to meet with full candor of reply your Excellency's question, might suggest that the indefiniteness and vagueness of the description of the alleged property of the Commonwealth, supposed to be improperly in the possession of the society, embarrasses their answer.

Whatever, among the masses of the manuscripts in the society's cabinet, might have happened at any time, fitly or unfitly, by accident or by carelessness, to have been disposed either in loose files, or collected in volumes; and whatever bound volumes might have been arranged in print or manuscript on the shelves, under the

designation of "Hutchinson Papers,"—would seem to be included under the vague and undefined terms of the legislative Resolve, and of your Excellency's description.

In connection with this remark, the Committee would be gleave to refer—not without surprise at the sweeping, unqualified and wholly untenable character of the assertion—to a sentence in the report of the library committee of the legislature, May 30, 1867, on which followed the Resolve quoted by your Excellency. In that report it is recited that the State came into possession, by purchase, of certain volumes known as the "Hutchinson Papers," and affirmed that they "were placed with the other records in the department of the secretary of the Commonwealth, and remained there until 1820, when Mr. Bradford—then secretary, and also a member of the Historical Society—carried the papers which make the first three volumes, and gave them to the society."

The seemingly greater definiteness of the matter of the assertion in this report is reached by an assumption and an inference which, we respectfully suggest, are wholly unwarranted, and may be most successfully invalidated by a statement of facts on record, and by legitimate inferences to be deduced from them.

The report assumes that, previous to 1820, there was a certain series of volumes, or of documentary materials for volumes, in the archives of the State, obtained by purchase; and that the papers which represent the first three volumes of that series were taken, by his own proper motion and without warrant, by a gentleman who was at the same time both secretary of the Commonwealth and a member of the Historical Society, and were "given" by him to that society. The inference is drawn that certain "Hutchinson Papers" now in the possession of the society constitute that un warranted "gift."

In replying to your Excellency's questions, the undersigned take the liberty of also keeping in view the above statement, and of meeting its assertions; hoping in this way to offer a full explanation of all the facts of the case within their knowledge, and a justification of the right of the society to the property in question which it now holds.

They believe that all the grounds and evidence on which the supposed claim of the State to the Hutchinson Papers in the society's cabinet rests, are drawn from entries in our own records. They do not understand that the Commonwealth has any inventory, schedule, or calendar of such papers once in its archives which can be identified, by title, contents, or definite description, as now in the society's possession; nor that there is any entry, in the journals

of the State, of any transfer, loss, or known date of the disappearance of such papers from its archives.

The records of the society supply the sole ground of the supposed claim, which is the matter of your Excellency's question, as will appear from the following statement: In January, 1846, the Hon. J. G. Palfrey, being Secretary of State, and also a member of the Historical Society, found in its record of meetings and proceedings this entry, under date of October 28, 1819:—

Voted, "that the letters found among the papers of Governor Hutchinson, and communicated by Mr. Bradford, be referred to the publishing committee."

There is also the following entry, at the next meeting of the society, January 27, 1820:—

"The additional letters found by Mr. Secretary Bradford among the papers of Governor Hutchinson, and presented to the Society by the permission of the Governor and Council, were referred to the Publishing Committee."

The following letter of Mr. Bradford accompanied the parcel of letters, &c., last referred to:—

Jan. 27 (1820).

DEAR SIR: I send some very old letters and papers, selected from the files left by Gov. Hutchinson, with a list of them.* Some of them have been printed in Hazard, and some in Hutchinson. But many of them were never printed, and are valuable. I have obtained leave of the Council to present them to the Society. They are no part of the files of the Secretary's office.

Yours, A. BRADFORD.

Addressed to "Rev. Dr. Holmes, Cor. Sec'y of the Society. Present."

The records indicate that two additional parcels were received from the same source. On the strength of the supposed evidence thus furnished by these entries in the society's records, Secretary Palfrey inferred that the contents of three volumes in the cabinet, labelled "Hutchinson Papers," were the property of the State, and had been unwarrantably either abstracted or alienated from its archives. Accordingly, in the exercise of what he regarded as his official duty, he addressed to the society, under dates of January 1, 1846, January 19, 1847, and July 27, 1848, three communications on the subject. Though his action was not, at the time, accom-

^{*} This list having served its purpose, appears not to have been preserved, for it is not on file.

panied or followed by any legislative process, the present inquiry is made to proceed upon it.

Your Excellency's question will be substantially answered, so far as our means of information will allow, by an account of the volumes in the society's cabinet, entitled the "Hutchinson Papers"; a sketch of their contents; a reference to the sources from which they were derived; and by a comparison of them with the contents of the volumes in the State archives, with which the committee of the legislature supposed them to constitute, before 1820, a connected series.

The most recently acquired of the "papers" once belonging to Governor Hutchinson, or loaned to him to be used in his historical labors, have been in the possession of the society but one or two years short of half a century. Some of them have been in the cabinet since 1791. They have been contributed from many sources, in answer to appeals resulting from a design referred to in the following extract from the society's records under date April 9, 1791:—

"The committee who were appointed to inquire what collections could be made towards forming an Historical Library, delivered in lists from each member, as on file."

By a vote of the society in 1822, the late Hon. B. R. Nichols procured a mass of these papers, acquired at many times and from various sources, to be arranged, indexed and bound, in three folio volumes, and labelled "Hutchinson Papers." They contain between two and three hundred distinct documents, of the most varied and miscellaneous character and contents.

These number 466 folios, of which 170 folios are letters, and their addresses. Not one of them is in the handwriting of Gov. Hutchinson. Only six of them are of later date than 1724, and only eleven of them of later date than 1700. Only a very few of them indicate that they ever belonged to Gov. Hutchinson, though that most of them had once been in his possession might properly be inferred by a reader of his History of Massachusetts, and from their soiled appearance, occasioned by a fact soon to be mentioned. Indeed, the papers themselves are evidence that their rightful original or inheriting owners belonged to at least four generations. As will presently appear, they have not even the most remote connection with the other collection of Hutchinson Papers in the archives of the Commonwealth.

Most of these papers bear marks of having been crumpled, soiled by mud, and trampled upon. They are evidently in good part the (12) | employed

papers referred to by Hutchinson in the preface to the first volume of his history, in which he says: "Many ancient records and papers came to me through my ancestors, who for four successive generations had been principal actors in public affairs; among the rest a manuscript history of Mr. William Hubbard. I made what collection I could of the private papers of others of our first settlers."

This manuscript copy of Hubbard's History, referred to by Hutchinson, was the only one in the country. It was in the possession of the Historical Society in 1791, as appears by their "Introductory Address" to the public in the first volume of their published collections, 1792. The society acknowledges that "this precious relic was among the rich contributions furnished by Rev. Dr. John Eliot, from his invaluable collection of the treasures of American history and antiquities." (2 Hist. Coll., Vol. V., Prefatory Notice.)

Dr. John Eliot, then, had in the last century presented to the society one very valuable manuscript that had been in the possession of Gov. Hutchinson, and had bestowed that among other "rich contributions." What were these? How came he by them? Do not the present "Hutchinson Papers," in the possession of the society, probably include very many of them, and justify the Committee's referring your Excellency to Dr. Eliot as one of the sources from which they were derived? It is not, indeed, in their power to give a list, by titles and specifications, of these "rich contributions" by Dr. John Eliot. The records previous to 1813 made such detailed specification only of the gifts of persons not members of the society. Those of members were mentioned only in lists made out by the donors, severally, which lists were put on file, and the files are now lost. But the fact that Dr. John Eliot's gift included the manuscript of Hubbard, known to have been in the hands of Hutchinson, and not afterwards challenged as at the rightful disposal of the donor, leads us to conclude that other Hutchinson manuscripts came to us through the same channel. If it be asked how Dr. John Eliot came into possession of them, the following statement may help toward an explanation.

In the preface to the second volume of his History of Massachusetts, (first published in 1767,) Gov. Hutchinson refers to the odium, "the unaccountable jealousy which had been infused into the minds of the populace" against him and his administration, and says that "being thus misguided, they expressed their resentment and rage by breaking into my house, destroying and scattering all my furniture, books, papers, &c." This was the work of the mob that sacked his house in Boston on the evening of August 26,

1765. He gratefully acknowledges compensation for his loss, so far as it was reparable, by a generous public grant; "but," he adds, "the loss of many papers and books in print, as well as manuscript, besides my family memorials, never can be repaired. For several days I had no hopes of recovering any considerable part of my History, [meaning the manuscript of his second volume,] but, by the great care and pains of my good friend and neighbor, the Rev. Mr. Eliot, [Dr. Andrew Eliot, the father and predecessor of Dr. John Eliot,] who received into his house all my books and papers which were saved, the whole manuscript, except eight or ten sheets, were collected together, and although it had lain in the streets, scattered abroad several hours in the rain, yet so much of it was legible as that I was able to supply the rest, and transcribe it. The most valuable materials were lost."

From this statement by Governor Hutchinson, it would appear that from among these mud-stained papers received for protection by Dr. Andrew Eliot, he reclaimed the manuscript of his second volume, to the subsequent fortune and present refuge of which, reference will by and by be made. For anything that is said to the contrary, we may infer that he left the other papers in the keeping of his friend, as a safe depository of historic treasures, from whom they passed into the hands of his son, Dr. John Eliot, not as public property, but as documents appropriate for an historic cabinet, whenever there should be one at hand.

Of other papers described by the governor as among "the most valuable materials" which "were lost," traditionary reports lead us to believe that some, at least, were picked up from the mud, found a safe, if not an appreciative keeping with various individuals, and, together with the mass of the papers in the charge of Drs. Andrew and John Eliot, reached the cabinet of the Historical Society.

It is very certain that Hutchinson himself never regained possession of all his lost papers; and it is probable that the larger portion of those which had been in his house in Boston, which were saved at all, never came into his hands again. The appearance and condition of the present collection substantiate this supposition.

In beginning the publication of a selection from the papers which had thus come into the possession of the Historical Society, the publishing committee of the second series of collections, Vol. 4, says, on page 181, by way of preface:—

[&]quot;By direction of the Governor and Council of this Commonwealth, the Secretary of State has deposited with the Massachusetts Historical Society a large collection of documents, public and private, which appear to have been

used by the late Thomas Hutchinson, Esq., Governor of His Majesty's Province of Massachusetts Bay, in the composition of that History, which will probably continue to be the best narrative of any of the settlements on this continent. Several of these papers are printed in the collection of papers by Hutchinson, sometimes called the third volume of his History.

"Those here printed have been transcribed with great care, by gentlemen of experience in the chirography of the different periods of their date. In succeeding volumes, other pieces may enrich our collection."

Here, certainly, was a frank avowal of the source whence the society had derived some of the miscellaneous papers which, by purchase, or by loan, or by discovery, or by having been used by Hutchinson, had been called by his name.

It may be noted that the gift which Bradford, in his letter, affirmed that he made to the society by "leave of the Council" is, in the above prefatory note in the collection, said to have been made "by direction of the Governor and Council." This discrepancy of statement the Committee has no means of explaining. It may have been simply an inadvertence of one of the publishing committee. But this frankness of avowal in print is utterly inconsistent with any supposition of a surreptitious or unauthorized transfer of the papers from the State archives to the society's cabinet.

The assertion of Secretary Bradford, above quoted, that the papers sent by him "are no part of the files of the Secretary's office," draws a distinction between them and certain other papers of Hutchinson's, in his charge, which did belong to his files. What these other papers were, and how distinct their character, by what means and for what use the State had obtained them, and the reasons which influenced the governor and council to regard the public archives as the proper depository of them, will soon be made satisfactorily to appear. It is to be remembered and considered that Governor Hutchinson is known to us in the twofold character of a writer of history and a Royal Governor of this Province. Papers bearing his name derive their value and interest from both those employments. The collection of "Hutchinson" documents in the archives in the State house, is in four thick folio volumes. The first three of these, labelled "Hutchinson Correspondence," contain about 1,500 letters, the greater part of them written by Governor Hutchinson, the remainder addressed to him, dated, the earliest in 1761, the latest in 1774; with a few fragmentary accounts of legislative proceedings and popular commotions, from his own pen. The fourth volume, labelled "Hutchinson's MS. History, etc.," contains the manuscript of the first part of volume second of his History, a long letter without address, copies of some documents relating to

the witchcraft trials-all these in his own hand-writing-and a copy of his commission as governor, not in his hand. The manuscript of his history is torn, trampled and mud-stained. The other papers The manuscript of his history having been restored to him as before stated, by Dr. Andrew Eliot, had enabled him to put the work into print in 1767, and had remained in his possession, separated, as may be inferred, from other papers once in his keeping. On June 1, 1774, Hutchinson, having been superseded as governor by General Gage, made his hurried flight to England. Expecting shortly to return, he left his house on Milton Hill, where he had been residing, with its contents undisturbed, in the care of his gar-The public authorities did not meddle with his property till after the battle of Lexington, April 19th, 1775. His estate was confiscated by an Act of the legislature. This, however, did not of itself give the State a title to his property, but simply instituted a process like administration. But there is abundant evidence that the house had been entered, and books and papers removed, without authority from anybody, in that interval, because sundry persons in the neighborhood were in the possession of the letter-books and other papers when the committee of safety ordered General Thomas, on the 29th April, 1775, to take possession of the Hutchinson Papers.

Sundry trunks containing papers were found in the possession of Col. William Taylor, who lived about a mile from the house, and who is supposed to have been a friend of Hutchinson, and who had probably removed them to his own house, when he found they were not safe where they had been left. The letter-books were found in the hands of Capt. Hugh McLean, or his brother-in-law, Mr. John Boies, and those were the most eagerly sought for, as they were expected to implicate the governor in the obnoxious measures of the British government. It was said at the time that these were found secreted in the sacks of beds. They were delivered up, and the State paid for them £50, as appears by a Resolve of the legislature.

The Provincial Congress appointed committees to examine these documents, and agents to continue in search for more papers. February 3, 1779, the general court passed a special Order to the secretary of the Commonwealth to take charge of these papers. (See Journals of Provincial Congress, p. 224.)

The four volumes of Hutchinson Correspondence, &c., in the State house, were arranged and bound by order of the legislature, about 1841. The interest exhibited by the public authorities in obtaining the papers of the provincial governor, as the above statement indicates, was not at all of an archeological or antiquarian, but en-

tirely of a political character. What papers were purchased by the State does not appear, by any contemporary or any subsequent record. But the fair presumption is, that the volumes in the State house contain them. There is no evidence that the State ever made any other purchase of Hutchinson Papers, or ever received any gift of any such papers. There is no allegation that the State ever had any title or claim, or ever advanced a title or claim, to all the papers which have been obtained by the society, or received from them a common title as "Hutchinson Papers," by being assorted and bound in volumes. The claim set up now for the State can presumably cover only the papers presented by Secretary Bradford. The only evidence adduced by Secretary Palfrey, or by any other person, in support of any claim for the State, is a single paragraph in the Records of the Historical Society, in which, however, no particular papers are mentioned so as to admit of being identified. Beyond this record there is not a particle of evidence that any one of the Hutchinson Papers, now in possession of the society, was ever in possession of the State, or of any officer of the State, or in any place occupied by any officer of the State.

This record fails to intimate, much more to establish, any right whatever on the part of the State. It does not even show that the State ever had any possession of the papers. The fact that papers happen to be within the secretary's office, (supposing some that we now have ever to have been there,) unless they relate to the business of that office, or otherwise show that they pertain to the business of the State, does not show them to be in possession of the State.

That the papers presented by Mr. Bradford, in 1820, may have been in the secretary's office is, perhaps, probable. If so, that they were there without being in the possession of the State, and without any claim of title on the part of the State, is also rendered probable: 1. By the fact that Hutchinson's papers having been scattered in the manner above related, the State, more than ten years afterwards, did not purchase all, and probably but a small part of them, and still possesses what may well be supposed to be the papers thus purchased. 2. By the fact that Bradford, who was a faithful and intelligent officer of the State, having been secretary for twelve years, would never have assumed, even with the consent of the councillors, to give away the property of the State without authority. 3. By the fact that the council of that day would not have given their consent to the alienation of the property of the State, without authority to do so. 4. By the fact that there is no record of any act of the council, and that the record of the society \$1

does not purport, to show that any official measure was attempted or assumed about the transfer of any papers. Mr. Bradford was not governor, and of course any consent of the councillors to any act of his, was not supposed to be official. But without what was supposed to be an official act, none of those gentlemen would have assumed to dispose of the property of the State.

Indeed, the letter of Mr. Bradford, copied above, accompanying the papers contributed by him to the society, makes it quite clear that those papers were not the property of the State. His distinct declaration is, that the papers do not belong to the files of his department. But any papers of this description which were the property of the State, would at that day have belonged to the files of his department. There was then no librarian, nor any library, nor any other place of disposal for such papers, the property of the State, except the office of Secretary of State.

Secretary Bradford was himself engaged in writing a history of the State, and the fair presumption is, that these papers had been handed to him by persons, or the descendants of persons, into whose possession they had come after their dispersion by the mob,—not as a gift to the State, but that he might use and dispose of them in the proper manner, if they were of any value to anybody. Being secretary of State at the time they were received by him at his office, he may have incidentally consulted the council when met on some occasion of business, as to the proper disposition to be made of them. They agreed with him that such papers had better be given to the Historical Society, rather than to the State, to which they were of little if of any importance. Upon this supposition everything is fair and consistent. But upon a supposition that the State had purchased them, or received them as a gift, how could Bradford say that they did not belong to the files of his department: and how could the councillors assume to act as a council, in a matter respecting which they had no authority?

A supposition that Secretary Bradford and the council of the Commonwealth violated their duty, in 1820, by giving away the property of the State, without any authority, is not warrantable by any circumstances of the case, and is not consistent with the character of those gentlemen. But the present claim of the State is based entirely upon such an assumption.

The society cannot consent to be instrumental in any degree in casting such a reproach upon the memory of those distinguished gentlemen. But this it must do, if it acquiesces in this claim.

If the papers which came to us through Secretary Bradford were at the time supposed to belong to the State, the officers and members of this society, who received them, might also be considered as implicated in an unwarranted transaction. The duty of the society to them is equally clear.

The society cannot, therefore, consistently with its honor, yield to this claim.

The unchallenged possession of these papers from 1820 to 1847, claiming and using them as its own property,—a period in which such claims are ordinarily barred four times over, and more,—furnishes plenary evidence that the possession of the society was, and ever has been, rightful.

And the abandonment of the claim made by Mr. Secretary Palfrey, and its being suffered to sleep for a term embracing more than two other periods of statutory limitation, complete that evidence.

The undersigned have thus, in the use of the means of information within their reach, offered to your Excellency such answers as they can give to your questions. They think they have indicated the origin and growth of two independent collections of papers, owned or used by Governor Hutchinson. They see no reason for believing that they ever formed one collection, or were contemporaneously in his possession. Still less will the facts warrant the theory that the two present collections once constituted a single series of documents, all in the State archives, and unwarrantably divided so as to "give" the Historical Society the matter of three volumes, the Commonwealth retaining the other four.

The mass of the papers in the society's possession do not appear ever to have been in the charge of the public authorities; they are not related to Governor Hutchinson at all officially, nor do they bear the marks of his ownership. There may be even within the bindings some which he never saw.

Most respectfully yours,

(Signed,)

GEORGE E. ELLIS.
EMORY WASHBURN.
JOEL PARKER.

[House Doc. No. 350.]

COMMONWEALTH OF MASSACHUSETTS.

House of Representatives, May 14, 1868.

The Committee on the Judiciary, to whom was referred the Message of His Excellency of the 19th day of March last, respecting the Hutchinson Papers, report:—

That they have examined evidence on the subject, and are of opinion that it is one of difficulty and involved in a good deal of obscurity. That if His Excellency is unable, under the authority

conferred on him by the Resolve, chapter 85 of the year 1867, to make a satisfactory agreement with the Massachusetts Historical Society respecting the said papers, the matter cannot be settled except by litigation in the courts. The Committee are also of opinion that with the Resolve above named, of the year 1867, and the laws respecting the duties of the attorney-general, the governor has discretion and authority sufficient to set on foot the proper legal measures, if he shall think such course expedient.

The Committee therefore advise that the subject may well be left in the hands of His Excellency under said Resolve, and that no further action on the part of this House is advisable. Per order,

R. H. Dana, Jr., Chairman.

[Memorial of DAVID PULSIFER, presented to the Legislature of 1869.]

COMMONWEALTH OF MASSACHUSETTS.

To the Honorable the Senate and House of Representatives in General Court assembled.

The Memorial of David Pulsifer respectfully represents: That by. an Act of the general court, passed in the year 1778, "all the goods, chattels, rights and credits, lands, tenements and hereditaments, of every kind of which "Thomas Hutchinson, Esq., and other persons named in said Act, "were seized or possessed, or were entitled to possess, hold, enjoy or demand, in their own right, or which any other person stood or doth stand seized or possessed of, or are or were entitled to have or demand to and for their use, benefit and behoof, shall escheat, enure and accrue to the sole use and benefit of the government and people of this State, and are accordingly hereby declared so to escheat, enure and accrue, and the said government and people shall be taken, deemed and adjudged, and are accordingly hereby declared to be in the real and actual possession of all such goods, chattels, rights and credits, lands, tenements and hereditaments, without further enquiry, adjudication or determination hereafter to be had; anything in the Act entitled 'An Act for confiscating the estates of certain persons commonly called absentees,' or any other law, usage or custom to the contrary notwithstanding."*

And your memorialist further represents, that previous to the passage of said Act, to wit, in the year 1765, books and papers, public and private, saved on the evening of August 26th of that year, when the house of Governor Hutchinson was sacked by mob, were received into the house of Rev. Andrew Eliot, D. D., and were in the possession of Dr. Eliot at the time of the passage of said Act.

^{*} For copy of this Act, see page 15.

In the year 1775, letters, letter-books and papers belonging to Governor Hutchinson, discovered in his house in Milton, were placed in the custody of Hon. Samuel Dexter, of Dedham, and were retained by him until the year 1783, when, by the general court, it was " Resolved. That the said Sam'l Dexter, Dr. William Gordon, and all others who are possessed of any of the said letters of the said Thomas Hutchinson, Esq'r, be and they hereby are required to return the same into the secretary's office without delay," and they were accordingly returned; but the books and papers in the possession of Dr. Eliot appear to have been transferred by his son, the Rev. John Eliot, D. D., to the Massachusetts Historical Society, of which he was a member; and in the year 1820, Hon. Alden Bradford, a member of the Historical Society, then Secretary of the Commonwealth, sent to the same society a large collection of documents, public and private, "selected," as he says, "from the files left by Gov. Hutchinson." In January, 1846, Hon. John G. Palfrey, then Secretary of the Commonwealth, and a member of the Historical Society, in a letter to the president and fellows of said society, says: "In the course of some recent proceedings for the completion and arrangement of the ancient papers in this office, my attention has been drawn to three volumes, called the 'Hutchinson Papers,' now in the library of the Historical Society. I suppose these papers to have come into our library by mistake, and to be the property of the Commonwealth;" and requested that an examination might be made, and the society to "take measures for restoring the volumes in question to the custody of this office." Receiving no reply, he repeated his request in January, 1847, and again in July of the same year, with no better success, copies of which letters were printed in Senate Document, No. 279, of 1867, hereto annexed.

In 1859, your memorialist, having been appointed by the Secretary of the Commonwealth, under a Resolve of the general court, to superintend the printing of the Plymouth Colony Records, requested of the Historical Society the privilege of using these volumes in the secretary's office, and received from the president of the society the following reply:—

PEMBERTON SQUARE, 28 April, 1859.

DEAR SIR,—Our rules are peremptory and unchangeable about taking out our MSS. volumes.

But the society granted leave for you to obtain anything which you might desire, in the way prescribed by our rules and under the direction of the standing committee.

Gov. Washburn, Mr. Charles Deane or Dr. Robbins will give you more particular information, on your applying to them, or either of them.

Yours resp'y,

ROBT. C. WINTHROP.

Mr. Pulsifer.

The effect of which was to deprive your memorialist of their use, which would have been of great benefit while printing the Acts of the Commissioners of the United Colonies of New England, as they contain original minutes of the commissioners, and other documents and papers belonging to the files of the general court.

By Resolve, chapter 85 of 1867, the governor was requested to take measures to ascertain whether any books, manuscripts or other documents in possession of the Massachusetts Historical Society are the property of the Commonwealth, and to procure the restoration of the same to the library of the Commonwealth. The action of the governor in the matter, and the answer of the society, appear in House Document of 1868, No. 150. Upon a message of the governor, at the last session of the general court, the subject was again referred to the governor; but as nothing further appears to have been done, your memorialist respectfully asks that such proceedings may be had in the premises that the books, manuscripts and other documents belonging to the Commonwealth may be restored; and for the further information of the legislature, he presents herewith the annexed copies of orders, reports, &c., relating to the subject-matter of this Memorial, and respectfully requests that they may be referred to as part of the same.

DAVID PULSIFER.

[House Doc. No. 454.]

COMMONWEALTH OF MASSACHUSETTS.

House of Representatives, May 31, 1869.

The Committee on the Judiciary, to whom was referred the memorial of David Pulsifer in relation to the Hutchinson Papers, report the accompanying Resolve. Per order,

T. L. Nelson, Chairman.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Sixty-Nine.

RESOLVE in relation to the Hutchinson Papers.

Whereas, A controversy has existed for many years, and still exists, between the Commonwealth and the Massachusetts Histori-

cal Society, in relation to the ownership of certain papers, now in the custody of said society, being a portion of those known as the Hutchinson Papers; and whereas the Commonwealth recognizes the fact that for many years the right of said society to the said papers was not called in question, and also recognizes the great services of the society in the field of historical research, and its claims to respectful consideration on the part of the Commonwealth; and whereas it is highly desirable that said papers should be at times in the custody of the Commonwealth; therefore,

Resolved, That the secretary of the Commonwealth is hereby authorized to make arrangements, from time to time, with said society, to take into his possession said papers, for the purposes of examination, taking copies thereof, and for any other purposes relating to his office; and the secretary is hereby directed, at the expiration of the time agreed upon, to return said papers to said society.

IN THE HOUSE OF REPRESENTATIVES, THURSDAY, June 3, 1869.

Resolve in relation to the Hutchinson Papers, was indefinitely postponed on motion of Mr. French of New Bedford.—*Journal of H. of R.*, 1869, p. 544.

HOUSE.... No. 350.

Commonwealth of Massachusetts.

To the Honorable the Senate and House of Representatives in General Court assembled.

The Memorial of David Pulsifer respectfully represents: That by an Act of the general court, passed in the year 1778, "all the goods, chattels, rights and credits, lands, tenements and hereditaments, of every kind of which" Thomas Hutchinson, Esq., and other persons named in said Act, "were seized or possessed, or were entitled to possess, hold, enjoy or demand, in their own right, or which any other person stood or doth stand seized or possessed of, or are or were entitled to have or demand to and for their use, benefit and behoof, shall escheat, enure and accrue to the sole use and benefit of the government and people of this State, and are accordingly hereby declared so to escheat, enure and accrue, and the said government and people shall be taken, deemed and adjudged, and are accordingly hereby declared to be in the real and actual possession of all such goods, chattels, rights and credits, lands, tenements and hereditaments, without further enquiry, adjudication or determination hereafter to be had; anything in the Act entitled An Act for confiscating the estates of certain persons commonly called absentees,' or any other law, usage or custom to the contrary notwithstanding;" a copy of which is hereunto annexed, marked [A.]

And your memorialist further represents, that previous to the passage of said Act, to wit, in the year 1765, books and papers,

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public and private, saved on the evening of August 26th of that year, when the house of Governor Hutchinson was sacked by a mob, were received into the house of Rev. Andrew Eliot, D.D., and were in the possession of Dr. Eliot at the time of the passage of said Act.

In the year 1775, letters, letter-books and papers belonging to Governor Hutchinson, discovered in his house in Milton, were placed in the custody of Hon. Samuel Dexter, of Dedham, and were retained by him until the year 1783, when, by the general court, it was " Resolved, That the said Sam'l Dexter, Dr. William Gordon, and all others who are possessed of any of the said letters of the said Thomas Hutchinson, Esq'r., be and they hereby are required to return the same into the secretary's office without delay," and they were accordingly returned; but the books and papers in the possession of Dr. Eliot appear to have been transferred by his son, the Rev. John Eliot, D.D., to the Massachusetts Historical Society, of which he was a member; and in the year 1820, Hon. Alden Bradford, a member of the Historical Society, then Secretary of the Commonwealth, sent to the same society a large collection of documents, public and private, "selected," as he says, "from the files left by Gov. Hutchinson." In January, 1846, Hon. John G. Palfrey, then Secretary of the Commonwealth, and a member of the Historical Society, in a letter to the president and fellows of said society, says: "In the course of some recent proceedings for the completion and arrangement of the ancient papers in this office, my attention has been drawn to three volumes, called the 'Hutchinson Papers,' now in the library of the Historical Society. I suppose these papers to have come into our library by mistake, and to be the property of the Commonwealth;" and requested that an examination might be made, and the society to "take measures for restoring the volumes in question to the custody of this office." Receiving no reply, he repeated his request in January, 1847, and again in July of the same year, with no better success, copies of which letters were printed in Senate Document, No. 279, of 1867, hereto annexed.

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"Gov. Washburn, Mr. Charles Deane or Dr. Robbins will give you more particular information, on your applying to them, or either of them.

"Yours resp'y,

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A LIVY FRANCE

[A.]

ACTS AND LAWS passed by the Great and General Court or Assembly of the Massachusetts Bay, in New England, begun and holden at Boston, in the county of Suffolk, on Wednesday, the twenty-seventh day of May, Anno Domini 1778; and from thence continued by adjournments to Wednesday, the seventh day of April following and then met.

[CHAP. IX.]

An Act to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late province, now State, of Massachusetts Bay.

Whereas, The several persons herein mentioned have wickedly conspired to overthrow and destroy the constitution of government of the late province of Massachusetts Bay, as established by the charter agreed upon, by and between their late majestics William and Mary, late king and queen of England, &c., and the inhabitants of said province, now State, of Massachusetts Bay; and also to reduce the said inhabitants under the absolute power and domination of the present king, and of the Parliament of Great Britain; and as far as in them lay have aided and assisted the same king and parliament in their endeavors to establish a despotic government over the said inhabitants.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That Francis Bernard, baronet, Thomas Hutchinson, Esq., late governors of the late province, now State of Massachusetts Bay, Thomas Oliver, Esq., late lieutenant-governor, Harrison Gray, Esq., late treasurer, Thomas Flucker, Esq., late secretary, Peter Oliver, Esq., late chief-justice, Foster Hutchinson, John Erving, Jr., George Erving, William Pepperell, baronet, James Boutineau, Joshua Loring, Nathaniel Hatch, William Browne, Richard Lechmere, Josiah Edson, Nathaniel Rea Thomas, Timothy Ruggles, John Murray, Abijah Willard, and Daniel Leonard, Esqs., late mandamus counsellors of said late province, William Burch, Henry Hulton, Charles Paxton, and Benjamin Hallowell, Esqs., late commissioners of the customs, Robert Auchmuty, Esq., late judge of the vice-admiralty court, Jonathan Sewall, Esq., late attorney-general, Samuel Quincy, Esq., late solicitor-general, Samuel Fitch, Esq., solicitor or counsellor at law to the board of commissioners, have justly incurred the forfeiture of all their property, rights and liberties, holden under and derived from the government and laws of this State; and that each and every of the persons aforenamed and described shall be held, taken, deemed and adjudged to have renounced and lost all

civil and political relation to this and the other United States of America, and be considered as aliens.

Be it enacted by the authority aforesaid,

That all the goods and chattels, rights and credits, lands, tenements and hereditaments, of every kind of which any of the persons herein beforenamed and described were seized or possessed, or were entitled to possess, hold, enjoy or demand, in their own right, or which any other person stood or doth stand seized or possessed of, or are or were entitled to have or demand to and for their use, benefit and behoof, shall escheat, annure and accrue to the sole use and benefit of the government and people of this State, and are accordingly hereby declared so to escheat, enure and accrue, and the said government and people shall be taken, deemed and adjudged, and are accordingly hereby declared to be in the real and actual possession of all such goods and chattels, rights and credits, lands, tenements and hereditaments, without further enquiry, adjudication, or determination hereafter to be had, anything in the act entitled "An Act for confiscating the estates of certain persons commonly called absentees," or any other law, usage, or custom to the contrary notwithstanding: provided, always, that the escheat shall not be construed to extend to, or operate upon any goods, chattels, rights, credits, lands, tenements, or hereditaments, of which the persons aforenamed and described, or some other in their right, and to their use, have not been seized or possessed, or entitled to be seized or possessed or to have, or demand as aforesaid since the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five.

And be it further enacted by the authority aforesaid,

That all debts justly due from any of the persons aforenamed and described to any subject of the United States of America, before the said nineteenth day of April, A. D. one thousand seven hundred and seventy-five, shall be payable out of their respective estates.

And be it further enacted by the authority aforesaid,

That where the wife or widow of any of the persons aforenamed and described shall have remained within the jurisdiction of any of the said United States, and in parts under the actual authority thereof, she shall be entitled to the improvement and income of one-third part of her husband's real and personal estate, after payment of debts, during her life and continuance within the said United States; and her dower therein shall be set off to her by the judges of probate of wills, in like manner as it might have been if her husband had died intestate and a liege subject of this State.

And be it further enacted by the authority aforesaid,

That if any person whose estate is by this act adjudged to have escheated as aforesaid, shall not have any wife or widow entitled to any part thereof by virtue of this act, shall have any relations (collateral kindred excepted,) who may not be of sufficient ability to support themselves without some allowance out of the estate of such person to whom they stand related as aforesaid, that the judge of probate of wills, who shall have the right of appointing agents for such estate, be, and he hereby is authorized and directed to fix a competent allowance from time to time, for the comfortable support of all such relations, having respect to the value of such estate.

[EXTRACTS from the printed copy of the "Journals of the Provincial Congress of Massachusetts," published agreeably to a Resolve passed March 10, 1837.]

[MONDAY,] May 15, 1775, A. M.

Ordered, That Mr. Fisher, Col. Field and Mr. Bullen be a committee to examine the letters of Governor Hutchinson,* lately discovered, and report to this Congress such letters and extracts as they think it will be proper to publish.

[Tuesday,] May 16, 1775, Afternoon.

Ordered, That Mr. Freeman and Doct. Holten be added to the committee appointed to examine Hutchinson's letters.

* The following account of the discovery of the letter-books of Governor Hutchinson, containing his correspondence with the ministry and with private individuals, is copied from "Gordon's History of the American Revolution," vol. I., p. 356:—

"When he [Governor Hutchinson,] quitted the province, all his furniture was left behind at his seat in Milton. After the Lexington engagement, the committee of the town removed it, in order to save it from being totally ruined. Mr. Samuel Henshaw, desirous of seeing how the house looked when stript of all the furniture, repaired thither with the gentleman who had the key. He went, at length, up into a dark garret, where he discovered an old trunk, which he was told was left behind, as it contained nothing but a parcel of useless papers. Curiosity led him to examine them, when he soon discovered a letter-book of Mr. Hutchinson's, which he secured, and then posted away to Doct. Warren, to whom he related what had happened; on which an order was soon sent to Gen. Thomas, at Roxbury, to possess himself of the trunk. It was brought to his quarters, and there, through the imprudent exultations of some about the general, the contents were too often exposed to persons resorting thither, and some single letters conveyed away; one [was suppressed] for the public good, it being thought that if the same was generally known it might be of disservice in the present moment, as it had not a favorable aspect upon the staunch patriotism of Mr. Hancock. The letter-books and other papers were afterwards taken proper care of."

These interesting manuscripts were deposited and are still retained in the archives of the State.

Monday, May 22, 1775.

[Whereas, a number of men, some of whom have, in times past, by the good people of this province, been raised to the highest places of honor and trust, have become inimical to this colony; and merely on principles of avarice have, in conjunction with the late Governor Hutchinson, been trying to reduce all America to the most abject state of slavery; and as well to avoid the just indignation of the people, as to pursue their diabolical plans, have fled to Boston, and other places, for refuge:

[Therefore, Resolved, That those persons, among whom are the mandamus counsellors, are guilty of such atrocious and unnatural crimes against their country, that every friend to mankind ought to forsake and detest them, until they shall give evidence of a sincere repentance, by actions worthy of men and Christians; and that no person within this colony shall take any deed, lease, or conveyance whatever, of the lands, houses, or estates of such persons. And it is hereby recommended to the committee of inspection, in every town in this colony, to see this resolve fully enforced, unless in such cases as the Congress shall otherwise direct.]

WEDNESDAY, June 7, 1775, Afternoon.

Ordered, That Mr. Orne and Mr. Vose be of the committee appointed to collect the letters of the late Governor Hutchinson, in the room of Doct. Perkins and Mr. Ellis, who are absent.

Tuesday, July 4, 1775.

A resolve of the committee relative to the goods of Thomas Hutchinson, Esq., and others, hid in and about Milton, was read, and committed to Major Bliss, Col. Grout and Mr. Crane.

COMMITTEE OF SAFETY.

April 29, 1775.

Upon a motion made,—

Voted, That orders be given to General Thomas for seizing Governor Hutchinson's papers.

MAY 1, 1775.

Voted, That General Thomas be and he hereby is directed and empowered to stop the trunks mentioned to be in Col. Taylor's

hands, until this committee send some proper persons to examine their contents.*

May 29, 1775.

It being expected that the present congress will be dissolved this night, and hearing that one volume of copies of Mr. Hutchinson's letters are in the hands of Capt. McLane, at the upper paper mills in Milton, which volume may be of use to this colony, if in the hands of the Provincial Congress; therefore

Resolved, That the Rev. Mr. Gorden, of Roxbury, be desired and empowered to receive from said Capt. McLane all such copies as are in his hands, or in any other hands, and to be accountable to the present or some future congress for the same.

[Records of the Committee of Safety, p. 85.]

Whereas, Mr. Edmund Quincy, of Stotingham, has represented to this committee that sundry household goods and other effects, now or late the property of Thomas Hutchinson, Esq., and other persons publickly known to be also enemies to the rights and liberties of America, are hid in several places in and near Milton, which property will probably be lost or wasted, unless proper care is taken of the same for such persons as may hereafter justly claim the same; therefore

Resolved, That said Quincy be and hereby is impowered to receive and convey to this committee, at Cambridge, all such goods and effects as aforesaid, for the use of such person or persons as the honorable congress or some future congress or house of representatives of this colony may order; he also producing to this committee, the congress or house of representatives an account of all the articles he may so receive, the names of the persons from whom he may receive the same, and an account of the charges that may arise

^{*} The following is a letter from General Thomas, dated May 2, 1775:-

[&]quot;Gentlemen:—In consequence of directions from the Committee of Safety, I sent an officer, on whom I could depend, to the house of Governor Hutchinson, who brought off all the papers he could find in that house; but I was informed that Colonel Taylor, of Milton, had lately taken several trunks out of the governor's house, not many days ago, in order to secure them from being plundered. I immediately sent another messenger to Col. Taylor for all the papers that belonged to Governor Hutchinson which he had in his possession. He sent me for answer, he did not know of any papers that belong to said Hutchinson; but just now comes to inform me that there are several trunks in his house, which he took as aforesaid, which he expects will be sent for very soon. I suspect there may be papers in said trunks, and if it is thought proper, two or three judicious persons be sent to break open and search for papers, he will give them his assistance. This, gentlemen, is submitted to the consideration of the honorable committee.

[&]quot;I have, gentlemen, the honor to subscribe myself,

[&]quot;Your most obedient humble servant,

[&]quot;JOHN THOMAS.

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from such salvage and removal. And he also is hereby empowered to press, if necessary, such teams as may be needed for removing such effects. Also,

Resolved, That this be immediately transmitted by the hands of said Quincy to the honorable congress, now sitting at Watertown, for their approbation or disapprobation.

[Mass. Archives, Vol. 208, p. 227.]

IN THE HOUSE OF REPRESENTATIVES, 23d March, 1776.

Whereas, The mandamus counsellors, commissioners of the custom and others, the open and avowed enemys to the rights of their country and the cause of liberty, have been compelled, by the terror of the American arms and the apprehension of the resentment of a justly incensed people, to depart the town of Boston, at any time since 19th April, 1775, and before 20 March instant, abandoning not only their houses and real estates, but also, in their hasty and precipitate flight, their personal and other moveable effects to a very considerable value,—

Resolved, That Mr. Brown, Mr. Sp'k'r Cooper, Deac'n Rawson, Mr. Pitts and Col'n Sartel be a committee to repair to the town of Boston, and there take or cause to be taken just and true accounts of said houses and real estates, personal and other moveable effects, the property of the before mentioned mandamus counsellors and others, to commit the charge and care of said estates and effects to such suitable persons as they may judge proper, and to make report of their proceedings herein as soon as may be, that this court may take such farther order thereon as may be necessary and fitting.

Sent up for concurrence.

WILLIAM COOPER, Sp'r pro tem'e.

IN COUNCIL, March 25th, 1776.

Read and concurred as taken into a new draught.

Sent down for concurrence.

PEREZ MORTON, D. Sec.

IN HOUSE OF REPRESENTATIVES, March 25th, 1776.

Read and concurred.

Sent up. Consented to:

W. SEVER.

W. SPOONER.

Joseph Gerrish.

T. Cushing.

JOHN WHETCOMB.

Jed'H Foster.

JAMES PRESCOTT.

I. PALMER.

CHAS. CHAUNCY.

WILLIAM COOPER, Sp'r pro tem'e.

S. HOLTEN.

JABEZ FISHER.

Moses Gill.

B. WHITE.

JOHN TAYLOR.

B. LINCOLN.

[Vol. 208, p. 226.]
In the House of Representatives, }
23d March, 1776.

Whereas, The mandamus councellors, commissioners of the customs and others, open and avowed enemies to the rights and liberties of America, have departed the town of Boston, through fear of the American arms and the just resentment of their injured countrymen, since the nineteenth day of April, 1775,

Resolved, That Mr. Brown, Mr. Speaker Cooper, Deacon Rawson, Mr. Pitts and Colo. Sartell be a committee to repair to the town of Boston, and take or cause to be taken a just and true inventory of all the estate, real and personal, of all kinds, belonging to such persons as have departed the said town in manner as aforesaid, and report the same to this court as soon as may be, that such further proceedings may be had thereon as shall be thought proper; and that said committee, in the mean time, cause such effects to be secured in such manner as to prevent any embezzelment thereof.

Recorded page 683.

Endorsed—"Resolve to secure tories' estates in the town of Boston."

[Mass. Archives, Vol. 208, p. 328. Gen. Court Records, Vol. 34, p. 718.]

In the House of Representatives, April 3d, 1776.

Whereas, This court have received information that considerable parts of the real and personal estates of the mandamus councillors, commissioners of the customs and other open and avowed enemies to the rights and liberties of America, who have departed this colony since April 19th, 1775, are now in the possession of persons who have clandestinely taken the same; and others, under pretence of gift, sale or attachment, claim a right to hold and enjoy such estate and effects, by which practises the public or individuals may be greatly injured; for prevention whereof,—

Resolved, That the committee appointed to take inventories of and to secure, till the further order of this court, the estate and effects of said absconders in the town of Boston, be and hereby are empowered to cause every such person or persons as they know or have good cause to suspect have in their occupation or possession any estate, late the property of the aforesaid mandamus councillors, &c., and them to examine thereon, and, if need be, to require answers upon oath respecting the concealment or conveyance of said effects, as the law allows in similar cases with respect to the effects of intestates; and said committee are also authorized and

directed to take into their possession and secure such estate and effects, (as also the estate and effects of any persons in Great Britain, which, by vertue of powers of attorney, were under the care and direction of said mandamus councillors, &c.,) until the further orders of this court, any attachment or civil process made or commenced since the 19th of April last notwithstanding.

[Mass. Archives, Vol. 209, p. 107.]

In the House of Representatives, (May 2, 1776.

Whereas, By a resolve of this court in March last, a committee was appointed, after the enemy fled from Boston, to repair to the town of Boston, and there take possession of houses and real estates personal and other moveable effects belonging to mandamus councellors and others that were left in the said town by any person who went off with the fleet and army, and to keep the same in their possession till the further order of the general court. And whereas, afterwards, vizt., on the 19th day of April last, a resolve passed this court impowring the committees of correspondence, &c., to lease out the real estates of certain persons therein particularly mentioned, and to return an inventory of all personal estate belonging to such persons as they should receive into their possession as by the same resolve will fully appear.

And whereas it is apprehended by some persons that the resolve last mentioned may interfere with the resolve for appointing the committee aforesaid to take possession of the personal estates of those who went off from Boston with the fleet and army; therefore

Resolved, That the committee appointed by the House of Representatives for the purpose first mentioned, be and they hereby are fully authorized and impowred to retain in their possession all such real and personal estate as they have already taken or hereafter may in pursuance of their first appointment take into their possession, and lease out said real estates as the committee of correspondence, &c., are authorized to do till the further order of the great and general court of this colony, the resolve of the 19th of April notwithstanding: provided, always, that untill the further order of the general court there be allowed to the wives and children of said aforesaid persons as are above described so much out of their respective estates, or the improvement thereof, as is necessary, in the judgement of the committee, for their support, they being unable otherways to support themselves.

And whereas sundry articles of the estates above mentioned may be liable to perish, it is therefore further resolved that the commit-

tee first aforesaid be and they hereby are directed and empowered to dispose of such perishable articles and such only, by public sale, and render an account of the proceeds to the general court as soon as may be.

[Mass. Archives. Vol. 200, p. 437.]

To the Honorable the General Assembly for the Colony of the Massachusetts Bay, convened at Watertown May 29th, 1776.

MAY IT PLEASE YOUR HONOURS,—By virtue of a Resolve of the general court of the 19th of April last, we, the committee of correspondence, safety and inspection, have proceeded to take into our care and have leased out the real estate of the late Governor Hutchinson, (lying in Milton,) as follows, viz.:—

To Mr. Samuel Henshaw, Ju'r, the dwelling-house, barn, sta-

ble, yard and garden, at				£13	16s.	6d.
Capt. Daniel Vose, part of the land, at				21	8	2
Mr. Nehemiah Clap, a part of the land, at, .				10	11	11
Mr. Adam Davenport, a part of the land, at				7	17	9
Mr. Moscs Haden and John Box, an out-house	and	part	oť			
the land,				4	4	0
Mr. Joseph Jones, a part of the land, at .				7	16	8
The whole amounting to				£65	15s.	0d.

Of the personal estate, we have received into our care and taken an inventory of the following articles, viz.:—

Two coaches.

One brass kettle.

Two common house chairs.

One roundabout chair.

One iron pot.

One looking glass.

One plough.

The remainder of the personal estate, consisting chiefly of household furniture, as we understand, was taken away from said Hutchinson's mansion house by order of the selectmen and committee of correspondence last year, and no inventory taken of them, (except by cart loads,) and delivered into the care of Colon'l William Taylor; and we, the present committee, after having received the Resolve of the 19th of April last, respecting the personal as well as real estate of our enemies, thought it our duty to take an inventory of said personal estate, and accordingly applyed to said Col. Taylor for admission for that purpose repeatedly, and shew him the order of court; but he peremptorily forbid us entering the apartment where said personal estate was, and said he did it in the name of

the committee, (with whom he had consulted;) and we have, in consequence of said refusal, omitted taking an inventory of the goods in said Taylor's custody.

We would also inform the honorable court that there is a real estate in the town of Milton, owned by a person or persons in England, which estate was some years past been verbally lett to Capt. Daniel Vose, by Henry Lloyd, then of Boston; and we, being uncertain whether it fell under our care, beg leave to ask the opinion of the honorable court concerning it. Therefore beg this honorable court what shall be don with this and the above affair, that committee may know what steps to take.

Joseph Badcock, per order.

IN THE HOUSE OF REPRESENTATIVES, Watertown, June 27, 1776.

Resolved, That the committee of correspondence, safety and inspection of the town of Milton be and they are hereby impowered to take into their possession the personall estate of Thomas Hutchinson, late of said Milton, which is in the possession of Coll. Taylor, in said Milton, or wherever else it may be found, excepting such as may have been otherways disposed of by order of the general court, and to follow the directions of this court respecting the same as in similar cases provided.

And farther resolved, That said committee take into their care the estate let to Cap'n Daniel Vose by Henry Loyd, late of Boston, who fled with the ministerial fleet, observing the direction of court with respect to the estates of refugees.

[Mass. Archives, Vol. 154, p. 410.]

In House of Representatives, May 5th, 1780.

Whereas, John Brown, William Cooper, Dea'n Edward Rawson, John Pitts and Josiah Sartell were, by a Resolve of the general court, of the twenty-third day of March, in the year 1776, appointed a committee to take into their custody all the personal estate of such persons as voluntarily went off with the enemy at the time Boston was evacuated, and according to the orders of the court to dispose of the same, and to account for the proceeds; and whereas said committee have neglected to settle their accounts, notwithstanding the frequent orders of the general court for that purpose;

And whereas the good people of this State have manifested great uneasiness that the committee of sequestration, so called, have not exhibited, as yet, a fair accounts of the disposal of the aforesaid

goods and chattels, and obtained an honorable discharge for so much of the same as they may have disposed of by private or public sale; therefore

Resolved, That the Hon'ble William Phillips, Esq., the Hon'b. Nathan Cushing, Esq., Samuel Osgood, Esq., Lemuel Kollock, Esq., and Mr. Nathan Frazier be and hereby are appointed a committee to examine into the conduct of the aforesaid John Brown, William Cooper, Dea'n Edward Rawson, John Pitts and Josiah Sartell; and also to send for and examine any persons or papers which they may think necessary for the purposes aforesaid.

And whereas it may be necessary that the committee appointed to examine into the conduct of the said committee of stration should be attended with some civil officers, in order to prosecute the business with dispatch; therefore it is

Resolved, That such of the constables of the town of Boston, in the county of Suffolk, as the said committee shall direct and require to attend them, shall and hereby are directed to give their attendance accordingly; and are also empowered and directed to serve and execute any summons, order or other process which the said committee shall issue in pursuance of the power and authority given them as aforesaid.

And it is farther resolved, That the president of the said committee, for the time being, shall be and hereby is authorized and directed to administer a proper oath to any person or persons whom the said committee shall think fit to examine as a witness or witnesses, touching the subject-matter of their enquiry.

And such summons, order or other process which shall be issued by said committee as aforesaid, shall be signed by the clerk appointed by said committee, and not by any member of said committee.

And all persons are directed to yield obedience to every such summons, order or other process, on pain of imprisonment for their contempt or refusal, by order of said committee.

And said committee are hereby directed to proceed upon said business immediately, and make report of their doings to the general court as soon as may be.

Sent up for concurrence.

JOHN HANCOCK, Sp'k'r.

In Council, May 5, 1780.

Read and concurred.

JOHN AVERY, D. Sec.

Consented to:

JER. POWELL. OLIVER PRESCOTT. A. WARD. N. Cushing. T. Cushing. THOS. DURFFEE. S. Adams. AARON WOOD. I. FISHER. SAML. NILES. H. GARDNER A. FILLER. EDW'D CUTTS. B. WHITE. T. DANIELSON. I. Simpson.

GENERAL COURT RECORDS, MAY, 1680.—"This court being informed that Mr. Wm. Hubbard hath taken paynes in compiling a history of New England, doe order that our honored governor and Wm. Stoughton, Esquire, Capt. Daniel Fisher, Lieut. Wm. Johnson, and Capt. Wm. Torrey be a committee to peruse the same, and make returne of their opinion thereof to the next session, that the court may then, as they shall then judge meete, take order for the impression thereof."

GENERAL COURT, October 11, 1682.

"Whereas, It hath binn thought necessary, and a duty incumbent upon, to take due notice of all occurrances and passages of God's providence towards the people of this jurisdiction since their first arrivall in these parts, which may remaine to posterity, and that the Reverand Mr. William Hubbard hath taken paynes to compile a history of this nature, which the court doeth with thankefulnes acknowledge; and, as a manifestation thereof, doe hereby order the treasurer to pay unto him the some of fivety pounds in money, he transcribing it fairely into a booke, that it may be the more easely perused, in order to the satisfaction of this court."

AT A SPECIAL GENERAL COURT, February, 1682-3.

"This court having formerly granted fifty pounds to the Rev. Mr. Wm. Hubbard, in consideration of his paine in collecting a history of the first planting and setling of this colony, as in October last, for 50li, it is ordered that the treasurer pay him or his order halfe of the said sume as soone as money comes into his hands, and that the debts due from the country be payd in course as they arise due by this court's order."

The following are inventories of the real and personal estates of those persons who have been inimical to the rights of America, and have fled from Boston, and are herein recorded by order of the

committee of the general court appointed for that purpose, vizt.: Thomas Hutchinson, Thomas Hutchinson, Ju'r, and Elisha Hutchinson:—

At Widow Stoddard's:-

6 mahogany chairs.

1 mahogany case of draws.

2 looking glasses.

4 sacking bottom bedsteads.

1 pr. dogs.

1 pr. kitchen hand-irons.

1 mahogany fire-screen.

1 square snap table.

1 card table.

3 3½ feet mahogany tables.

1 mahogany cradle.

1 walnut chamber table.

1 round snap table.

1 close stool.

3 small marble slabs.

1 round chamber table.

At Doct'r Eliot's:-

1 mahogany bureau.

Desk; a chaise and harness.

1 desk and book-case, glass doors.

1 four-feet mahogany table.

1 painted screen.

1 handsome 8-day clock.

2 small mahogany stands.

1 small box case-knives.

12 rich mahogany hair-bottom chairs.

6 do. furniture check.

2 arm-chairs.

2 mahogany bedsteds.

1 pallat bedstead and bed.

1 mahogany fire-screen.

1 small stand.

6 straw-bottom kitchen chairs.

1 black walnut chamber table.

1 pair large brass andirons.

1 pair dogs.

46 pewter plates and dishes.

1 spitt; 1 frying-pan.

1 tin cover.

1 dish kettle.

1 dripping pan.

2 broken lanthorns.

2 rich mahogany arm-chairs.

8 mahogany cooler.

3 pictures.

1 mahogany card-table.

1 copper ship stove.

3 iron kettles.

1 four-feet pine table.

1 chariot and harness.

1 buby hutch.

1 horse saddle.

1 chest of draws.

1 sacking bottom bedstead.

10 odd chairs.

A parcel of books and papers of little value.

The large mansion house, outhouses, stables, wharves, stores, &c., &c.

At. Doct'r Clarke's:—

1 chimney glass.

1 mahogany bureau.

Desk; 1 easy chair.

'4 large pictures, 2 broke.

1 glass lamp.

2 glass salvers, 1 broke.

13 stone plates and dishes.

1 sett furniture.

Curtain vallents.

1 horse net.

2 window curtains, furniture check.

3 do. cushions.

- 1 glass frame for a time-peice.
- 2 tin dish covers.
- 1 china jarr.
- 1 bird cage.
- 1 pair table leaves.
- 2 leather bottom easy chairs.
- 2 roundabout horse-hair do.

- 6 stuff-back chamber chairs.
- 6 leather bottom chairs.
- 4 horse-hair do.
- 1 bed bolsters and 2 pillows.
- A case containing 4 elegant gilt looking glass.

[Mass. Archives, Vol. 6, p. 320.]

Extract in the handwriting of Gov. Hutchinson.

Public notice given.—"If any of the above articles, or any plate, men's or women's apparel be offered for sale by any persons or seen in the possession of any persons of suspected characters, it is desired notice may be given to either of the lieutenant-governor's sons at their warehouses in Boston, and whereas a manuscript history of the province from the present charter to the year 1730 was among the spoil, a part of which has been found, if any of the remaining sheets should be discovered it is desired they may be sent, together with any other of the lieutenant-governor's papers or books, to the Reverend Mr. Eliot."

[Mass. Archives, Vol. 26, p. 146.]

Extract from letter of Gov. Hutchinson to Richard Jackson, Esq., dated Aug. 30, 1765.

"Besides my plate and family pictures, houshold furniture of every kind, my own, my children and servants' apparel, they carried off about £900 sterling in money, and emptied the house of everything whatsoever, except a part of the kitchen furniture, not leaving a single book or paper in it, and have scattered or destroyed all the manuscripts and other papers I had been collecting for thirty years together, besides a great number of publick papers in my custody."

[General Court Records, Vol. 33, p. 130.]

Records of the Great and General Court or Assembly for the Massachusetts Bay in New England, begun and held at Watertown, in the county of Middlesex, on Wednesday, the twenty-sixth day of July, 1775.

In the House of Representatives, August 18, 1775.

Ordered, That Colonel Orne and Mr. Cushing, with such as the honorable board shall join, be a committee to consider what is

proper to be done with the letters of the late Governor Hutchinson, and how they shall be preserved.

Sent up for concurrence.

Jas. Warren, Speak'r.

IN COUNCIL, August 19, 1775.

Read and concurred, and John Adams, Esq., is joined.

S. Adams, Sec'y.

The committee above named report that it is of great importance that the letters and other papers of the late Governor Hutchinson be carefully preserved, as they contain documents for history of great moment; and that evidence, in the handwriting of a man whose nefarious intrigues and practices, have occasioned the shedding of so much innocent blood, and brought such horrid calamities on his native country, may be preserved for the full conviction of the present and future generations; and therefore that such of the letters and papers aforesaid as are not now in the custody of the Honorable Samuel Dexter, Esq., at Dedham, be delivered to him, and together with those, already under his care, faithfully kept by him, until the further order of this court, and that such of them be published from time to time as he shall judge proper.

JOHN ADAMS, per order.

In Council, August 19, 1775.

Sent down for concurrence. Read and accepted.

Sam'l Adams, Secr'y.

[Mass. Archives, Vol. 142, p. 421.]

In the House of Representatives, Cotober 14, 1783.

Ordered, That the secretary be and he hereby is directed forthwith to make application to the Honorable Samuel Dexter, Esq., and the Reverend William Gordon, Doctor of Divinity, for the letters of the late Governor Hutchinson, which were found within this State after he left the same, and to receive the same letters from any person in whose possession they may be, and to file them carefully among the papers of this State.

Sent up for concurrence.

TRISTRAM DALTON, Sp'k'r.

IN SENATE, October 15, 1783.

Read and concurred as taken into a new draft.

Sent down for concurrence.

S. Adams, Preside.

IN THE HOUSE OF REPRESENTATIVES, COCtober 16, 1783.

Read and concurred.

TRISTRAM DALTON, Sp'k'r.

Approved.

JOHN HANCOCK.

[Mass. Archives, Vol. 142, p. 422.]

COMMONWEALTH OF MASSACHUSETTS.

In the House of Representatives, October 14th, 1783.

Whereas, In the year 1775 certain letters were found in the mansion house of Thomas Hutchinson, Esq'r, late governor of the province of the Massachusetts Bay, written by the said Hutchinson to persons of public character and others in England and elsewhere, which letters tend to the discovery of the plans which had been secretly laid for the destruction of the rights, liberties and privileges of the then British colonies; and whereas the said letters were committed to the care of the Honorable Sam'l Dexter, Esq'r., with permission to the Rev'd Doct'r William Gordon to take and select such of them as he should judge proper for immediate publication;

And whereas, it is highly expedient that papers so adapted as the said letters appear to be to mark the leading principles and characters in the late happy American Revolution, should be safely kept among the archives of this Commonwealth, that so the historian and others may avail themselves thereof, under the direction of the general court;

Resolved, That the said Sam'l Dexter, Esq'r., Dr. William Gordon, and all others who are possessed of any of the said letters of the said Thomas Hutchinson, Esq'r., be and they hereby are required to return the same into the secretary's office without delay.

Ordered, That the secretary serve the said Sam'l Dexter, Esq'r., and Doct'r William Gordon with an attested copy of the foregoing resolution, and also to publish the same in one of the Boston, the Salem, Worcester and Springfield newspapers.

[Mass. Archives, Vol. 142, p. 423.]

DEDHAM, October 18th, 1783.

Sin:—I this morning received your letter, inclosing a resolve of the honorable general court, requiring me to return, "without delay," into the secretary's office, certain letters of the late Governor Hutchinson.

These letters, and other papers, very soon after they were discovered in his house in Milton, were brought over to Watertown,

where the Massachusetts Congress, so called, then sat. They lay open for the inspection and perusal of everybody who had curiosity enough to look into them; and in consequence of the free access which all persons, without discrimination, had to them, I suppose it was owing that letters, either written by or to him, have been scattered about the State. I remember to have heard it said, two or three years after they were found, that some of them were shewn in towns very remote from the capital, although I do not recollect the names of such towns.

That there might be no further pillaging, they were, by a resolve of that public body, committed to me, accompanied with a desire that I would "select such of them as I should judge proper for immediate publication," and cause them to be printed in newspapers, or in a pamphlet, with remarks, if I should think them needful.

On my motion the Reverend Dr. Gordon had permission to look over the manuscripts at his pleasure, and had a concurrent power given him to publish and comment upon them.

In the year 1776, the general court, on a report of a committee of both houses, of which the Honorable Mr. Adams, now in Europe, was chairman, recommitted them to my keeping, charging me with their safe preservation, as "containing valuable documents for future history;" and every letter-book and paper which were in my custody at that time, and that have come into my hands since the passing the last mentioned resolve, are now in my possession; nor are any missing of the whole number delivered to me at Watertown, unless some are retained by Dr. Gordon, who had a right, from the vote of the provincial congress, to be possessed of any of them for the purpose above mentioned; but who, immediately after the date of the resolve of the general court, giving me the sole care of them, sent to me, as I understood him, all he had taken to his house.

In faithfulness to my trust, I have all the letter-books and papers safely deposited in a large box, weighing, with its contents, near one hundred pounds, which, since my receipt of the resolution of the honorable court, I have nailed up, and keep in readiness to be delivered to any messenger or servant of their honors who may be ordered to call upon me for it.

I am, sir, your most obedient servant,

SAMUEL DEXTER.

COMMONWEALTH OF MASSACHUSETTS.

IN SENATE, May 30, 1867.

The Committee on the Library, to whom was referred an Order to inquire into "the expediency of directing the Secretary of the Commonwealth to obtain from the Massachusetts Historical Society any books, papers or documents now in their possession, the property of the Commonwealth," having carefully considered the same, respectfully submit the following Report:—

The following facts appeared in evidence before the Committee. The documents probably referred to by the Order are certain volumes known as the "Hutchinson Papers." These papers, when Governor Hutchinson's property was sold at auction, having been confiscated, were secreted in a bed and sold. After their discovery and the fact was made known, they were repurchased by the State at a cost of fifty pounds. They were placed with the other records in the department of the secretary of the Commonwealth, and remained there until 1820, when Mr. Bradford, then secretary, and also a member of the Historical Society, carried the papers which makes the first three volumes, and gave them to the society. In January of 1846, Mr. Palfrey, then secretary, and likewise a member of the society, having his attention called to the fact, wrote a letter to the officers of the society, desiring their return. Receiving no answer, he wrote again, in January, 1847, and also in July of the same year. No notice whatever was taken of these letters, and so the matter rested until 1858. In the secretary's report of 1848, reference is made to these letters, copies of which are subjoined to this Report. (See House Doc. No. 2 of 1848.)

In 1858, the legislature by a Resolve directed the secretary of the Commonwealth to prepare and cause to be printed the New Plymouth Records. (See chap. 41 of Resolves of 1858.) Mr. David Pulsifer was appointed, and in prosecution of that work desired to examine these papers. He went to the library of the Historical Society and requested permission to use them for that purpose; but his request was refused in pursuance of a rule of that society. He was therefore subjected to the disadvantage of making his record without the aid of valuable information contained in those papers. Last February, Mr. Dawson of New York desired to print the sermon of Rev. John Wheelwright, contained in the "Hutchinson Papers,"—a sermon of considerable historical value and importance,—but for a long time was unable to obtain a copy.

These papers, relating to the early history of the colony, extending over a period of thirty years, and transferred by mistake from

ACTOR DESIGNATION OF REAL PROPERTY.

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the custody of the State to that of a society having no right to them, the Committee unanimously believe ought of right to be returned. This the Historical Society are not only unwilling to do, but even refuse an officer of the Commonwealth, whose property they are, when appointed to complete its early records, access to their information. The later manuscripts are still in the custody of the State, and these are needed to render our archives complete.

Besides, the "State House" being fire-proof, while the building used by the society is not, is a far safer repository for such valuable documents, valuable alike as a part of the State's history and as containing information which ought of right to be accessible to any person desirons of examining their contents. In the custody of the Historical Society, they are closed to those who may desire their perusal; when in the possession of the State, they would be within place reach of all.

Believing that they are clearly the property of the Commonwealth, the Committee think they should be returned.

The society was notified of the meeting of the Committee, but did not see fit to appear.

They therefore report the following Resolve.

Per order,

Chas. J. Noyes, Chairman.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Sixty-Seven.

RESOLVE CONCERNING THE "HUTCHINSON PAPERS."

Resolved, That the governor be directed and enjoined to take such steps as to him seem necessary and proper to procure the immediate restitution of the books, manuscripts and other documents now in the possession of the Massachusetts Historical Society belonging to the Commonwealth.

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, BOSTON, January 1, 1846.

To the President and Fellows of the Massachusetts Historical Society.

Gentlemen:—In the course of some recent proceedings for the completion and arrangement of the ancient papers in this office, my attention has been drawn to three volumes called the "Hutchinson Papers," now in the library of the Historical Society. I suppose

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these papers to have come into our library by mistake, and to be the property of the Commonwealth.

They are referred to in the record of the meeting of the Historical Society on the 27th day of January, 1820, as having been "presented to the society by the permission of the governor and council." I have had a careful examination made of the council records of the period, and do not find any proceedings of the governor and council to this effect. Nor would it have been within the constitutional competency of the executive department of the government. Such a disposition of the papers could only have been made by an Act or Resolve of the legislature, and no law so disposing of them appears to have been passed.

I have very respectfully to request that an examination may made into these facts, in order that, if they, and my opinion found upon them, be confirmed, the society may take measures for resing the volumes in question to the custody of this office.

I have the honor to be, &c.,

John G. Palfrey.

SECRETARY'S OFFICE, BOSTON, January 19th, 1847.

To the President and Fellows of the Massachusetts Historical Society.

Gentlemen:—In the month of January last I made a communication to your society, representing that in the course of some proceedings for the completion and arrangement of the ancient papers in this office, my attention had been drawn to three volumes called the "Hutchinson Papers," now in the library of the Historical Society, and that I supposed these papers to have come into our library by mistake, and to be the property of the Commonwealth.

I added that they were referred to in the record of the meeting of the Historical Society on the 27th day of January, 1820, as having been "presented to the society by the permission of the governor and council," and that I had had a careful examination made of the council records of the period, and did not find any proceeding of the governor and council to this effect. And I suggested that it would not have been within the competency of the executive department of the government, the papers being subject to such a disposal only by an Act or Resolve of the legislature, and no law so disposing of them appearing to have been passed.

I accordingly requested that an examination might be made into the facts, in order that if they, and my opinion founded upon them,

should be confirmed, the society might take measures for restoring the volumes in question to the custody of this office.

Not having received any reply to this application, I ask permission respectfully to repeat the request, that it may receive the attention of the society.

I have, &c.,

JOHN G. PALFREY.

SECRETARY'S OFFICE, BOSTON, July 27, 1847.

To the President and Fellows of the Historical Society.

Gentlemen:—On the nineteenth day of January last, I made a representation to the Historical Society respecting certain manuscript volumes entitled the Hutchinson Papers, supposed by me to belong to the archives of the Commonwealth, and to have been placed in the library of our society by mistake. May I respectfully ask to be informed of the decision or action had by the society on this subject.

I have the honor to be, gentlemen, with great respect, Your obedient servant,

JOHN G. PALFREY.

Extract from the Annual Report of Hon. John G. Palfrey, Secretary, January 5th, 1848.

[House Document, No. 2, 1848, page 9.]

Entertaining the opinion that certain writings, called the "Hutchinson Papers," formerly in this office, were transferred to that collection through a mistake, I have made applications to the society to have the subject considered, in order that if my impression should prove to be well founded, the papers might be restored to the custody of the Commonwealth. I have received no reply to the applications, nor has anything come to my knowledge to change my opinion on the subject. My views, and the manner of presenting them, are on record in the letter-book of this office, under the dates of January 1st, 1846, and January 19th and 27th, 1847.

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DECLARATION OF INDEPENDENCE

BY THE

COLONY OF MASSACHUSETTS BAY.

MAY 1, 1776.

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10.00

LETTER TO HON. LUTHER BRADISH.

Morrisania, N. Y., Jan. 7, 1862.

HON. LUTHER BRADISH,

President of the New York Historical Society.

MY DEAR SIR: I beg leave, through you, to invite the attention of the Society to a subject which seems to me to possess unusual interest to every student of American history.

In the curse of my investigations concerning the Constitution of the United States, preparatory to the writing of a history of that instrument, my attention was arrested by the very important series of papers—generally unnoticed by commentators and historians—which, in the early part of 1776, had emanated from several of the colonial governments de facto, and had conveyed to the delegations from those colonies, severally, the Instructions under which their respective delegations in the Congress had been expected to act on the question of independence.

Among the colonies from which, apparently, no such Instructions had proceeded,—notwithstanding the fact has been well established that three-fourths of her towns, in regularly convened town-meetings, had particularly instructed their several representatives in the General Court to prepare and transmit such Instructions to the delegates from the colony to the General Congress,—was Massachusetts, whose fearless and eloquent representatives, in case

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no such Instructions had been issued to them by the General Court, must have acted on their own responsibility, when, on the second of July, 1776, they jointly east the vote of Massachusetts in favor of the resolution of American independence.

Notwithstanding the, apparently, well-settled opinion among historical students, that no such Instructions had been adopted and issued by the General Court; and with a respectful disregard of the reasons which were assigned, by one of the most distinguished of our number, for the supposed backwardness of Massachusetts, in thus promoting the cause of American independence, I ventured to doubt that that colony had really so far forgotten herself, as to allow her delegation to support and urge the adoption of the resolution of independence, with no other aufority than the *implied* approval of its constituency; and t_entertain an abiding confidence, that if it were really true, that the delegation from Massachusetts had received no such Instructions when it cast the vote of that colony in favor of the resolution of the second of July, it possessed, at least, a full equivalent of authority in some other form.

I could readily understand why our own New York—at that time controlled by the great landed interests; represented in the Congress by delegates whose fidelity to the cause of America was, generally, of a questionable character; and whose Provincial Congress, at that time, was led by an avowed and untiring opponent of independence and a republican form of government—had refused to grant authority to her delegation in the Congress to support the resolution of independence; and the consequent silence of that delegation on the second of July,—when the United Colonics, in Congress assembled, "without a dissenting

vote," solemnly resolved "that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown; and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved,"-is not more of a mystery. All this I could readily understand; but I was not equally favored concerning the alleged silence of Massachusetts, the desecration of whose capital town, by the discomfited ministerial troops, was still fresh in the memory of all her inhabitants; whose press, under the patriotic influence of Edes and GILL, was constantly true to its mission; whose people were not a whit the less determined, notwithstanding the enemy had evacuated her territory; whose sentiments were fitly represented in the Congress by the fearlessness and the una swerable arguments of the two Adamses.

Entertaining these varied opinions, during a recent visit to Boston, I visited the State House for the purpose of searching, among the well-culled treasures of the Secretary's office, for a solution of the question. The kind cooperation of my valued friend, George Livermore, Esq., secured for me a cordial reception; and, after a short examination of the manuscript minutes of the commonwealth, I found an instrument which sets the subject at rest.

After the royal governor of the colony had abandoned his post of duty, and had retired to a more genial climate, the administration of the colonial government was continued by the Council, without changing the style of the government; and all commissions, civil and military, were issued by that body, in the name, and under the authority, of the king of Great Britain, as had been usual in former, and more peaceful days.

It was not long, however, before the inconsistency of such a course became very apparent; and the tendency it had to keep up ideas which were inconsistent with the safety of the government, soon gave the good people of the colony great uneasiness; and a remedy was sought by means of which the officers and people of the colony might not, themselves, be forced to become their own accusers, in a charge of rebellion and treason against a monarch in whose name, and under whose authority they professed to act.

Accordingly, in the spring of 1776, the General Court applied a remedy,—the Council, on the first of May, in that year consummating the enactment of "An Act for Establishing the stile of Commissions which shall hereafter be Issued, and for altering the stile of Writs, Processes, and all Law proceedings within this Colony; and for directing how Recognizances to the Use of this Government, shall for the future be taken and prosecuted."

In that act, after declaring, in a preamble, the causes which had induced it to do so, the General Court solemnly enacted that on and after the first day of June next ensuing, all the officers of the colony, civil and military, should receive their authority from, and perform the duties of their several offices in the name of "The Government and People of the Massachusetts Bay, in New England;" that on and after that date, the king of Great Britain should no longer be recognized as the source of political authority within that colony; that all commissions which had been issued by the Council, in his name and under his authority, before that date, should cease and determine within a few weeks from that time—on the nineteenth of September, 1776; that all recognizances should thence-

forth be taken and prosecuted in the name of the newly organized sovereign power; and that all actions which had been commenced in the name of the king, should, thenceforth, be prosecuted in the name and for the benefit of "The Government and People of the Massachusetts Bay in New England," in whom, thenceforth, the sovereign authority, de facto and de jure, was, by the operations of that Act, vested.

On the evening of the same day, while examining the manuscript treasures in the private collection of my friend, J. WINGATE THORNTON, Esq., of Brookline, I also found three commissions which, prior to the passage of the Act to which I have referred, had been issued by the Council of the colony, in the name and by authority of the king. These commissions, of course, had been affected by the provisions of that Act; and their bearers, in accordance with its requirements, had presented them to the Council for reauthorization under the authority of the newly established sovereignty of "The Government and People of the Massachusetts Bay in New England," which, under the provisions of the Act referred to, had succeeded to the former authority of the king. This had been done by the erasure of the usual words "GEORGE THE THIRD, BY THE GRACE OF GOD, OF GREAT BRITAIN, FRANCE, AND IRELAND, KING, DEFENDER OF THE FAITH, &c.," at the head of the commission, and the substitution in their stead by interlineation, of "THE GOVERNMENT AND PEO-PLE OF THE MASSACHUSETTS BAY IN NEW ENG-LAND;" and by the erasure of the words of the date en the commission, at its foot, as "In the [sixteenth] year of his reign," and the substitution in their stead, by interlineation, of the year of the Christian era, in which the

commission had been issued by the Council. A certificate, over the official signature of the clerk of the Council, verified the change which had been made in the language of the instrument; and continued its authority, in the name of "The Government and People of the Massachusetts Bay in New England," which, after the nineteenth of September succeeding, it would not otherwise have possessed, notwithstanding the impression of the authority of George III. was borne on the face of the instrument.*

I may have attributed a greater degree of importance to these instruments than they really merit, yet I cannot forbear suggesting to the Society that therein we have a formal renunciation of the authority of the king, within the territorial limits of Massachusetts, and as formal an assumption of the prerogatives of sovereignty, by "The GOVERNMENT AND PEOPLE OF THE MASSACHUSETTS BAY IN New England," on the first day of May, 1776, -two months and two days before the adoption of the resolution of independence, by the United Colonies, in Congress assembled; and that, as Massachusetts was, thenceforth, de facto, an independent and sovereign State, the delegation * which she had sent to the Congress of the Confederation, needed no special authority to reiterate, in her name, the Act of Independence and assumption of sovereignty, which, through her legally constituted government, she had, already and directly, adopted and promulgated.

² My antiquarian friend, George Adlard, Esq., to whom I have submitted the original commissions, here referred to, has suggested the probability that the royal colonial seal which, originally, had been attached to them, was also taken off, by the same authority, in order the more completely to destroy every appearance of royal authority; and the appearance of the mutilated papers gives weight to his view.

I had expected to have placed before you, with this, a carefully prepared and certified copy of the Act to which I have referred, but it has not come to hand. It will be forwarded to you, to be filed with this letter, at an early day.

I have the honor to be Your obedient servant, HENRY B. DAWSON. Annual State of the State of S

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THE ACT OF MAY 1, 1776,

REFERRED TO IN THE PRECEDING LETTER TO THE HON. LUTHER BRADISH.

[L. s.] In the Year of our Lord One Thousand seven hundred and Seventy six,—

An Acr for Establishing the stile of Commissions which shall hereafter be Issued and for altering the stile of writs Processes, and all Law proceedings within this Colony and for directing how Recognizances to the Use of this Government shall for the future be taken and prosecuted.

Whereas the Petitions of the United Colonies to George the Third King of Great Brittain for the redress of Great and manifest Greveances have not only been rejected but treated with scorn And Contempt And their Opposition to designs evidently formed to reduce them to a state of servile Subjection and their necessary defence against hostile forces Actually Employed to subdue have been declar'd Rebellion. And whereas an unjust war has been Commenc'd Against them which the Commanders of Brittish fleets and Armies have prosecuted and still Continue to prosecute with their utmost Vigour in Cruel manners &

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have directed their Vengance principally against this Colony wasting spoiling and destroying the Country burning Houses and defenceless Towns and Exposing the helpless Inhabitants to every misery;—by which Inhumane and Barbarous treatment by the Commandment of George the Third King of Great Brittain &c-the People of this Colony consider themselves greatly Injur'd and have been oblidged to have recourse to arms to repel such Injuries. And whereas under such Circumstances the absurdity of Issuing Commissions, Writs Processes and other proceedings in Law and in the Courts of Justice within this Colony in the name and stile of the King of Great Brittain is very apparent, And the Tendency it has to keep up Ideas inconsistant with the safty of this Government has given the Good People of this Colony Great Uneasiness.

BE IT THEREFORE enacted by the Council and House of Representitives in General Court Assemble'd and by the Authority of the same that all Civil Commissions Writs and Precepts for Conveneing the General Court or Assembly which shall hereafter be made out in this Colony shall be in the Stile and name of the Government & People of the Massechusetts Bay in New England And all Commissions both Civil & Military shall be Dated in the Year of the Christian era and shall not bear the date of the Year of the Reign of any King or Queen of Great Brittain.

And that all writs Processes and Proceedings in Law And in any of the Courts of Justice in this Colony which have been used & Accustumed or by any of the Laws of this Colony are Required to be Issued used or Practiced in Law and in Any of the Courts of Justice in this Colony

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in the name and stile of the King of Great Brittain France and Ireland Defender of the faith &c or in any other words Implying or Intending the same shall from and after the first Day of June One thousand seven hundred and seventy six be made Issued Used & Practiced in the name and stile of the Government & People of the Massechusetts Bay in New England and no other and shall bear Date of the Year of the Christian Æra and shall not bear the Date of the Year of the Reign of any King or Queen of Great Brittain Untill some recommendation of the American Congress or Act order or Resolve of a General American Legislature or of the Legislature of this Colony shall be made and passed otherwise directing and Prescribing.

And BE IT Enacted that all Commissions Civil and Military which have been Issued by the major part of the Council of this Colony sence the nineteenth day of September One Thousand seven hundred and seventy five shall have the same force and Effect as if this Act had not been made the stile and Date therein notwithstanding Untill the nineteenth day of September One Thousand seven hundred & seventy six & no longer.

PROVIDED NEVERTHELESS that when any such Commissions shall be brought to the Council of this Colony to be made Conformable to the Stile and Date by this Act Required for Isuing Commissions hereafter the Council are hereby Impowered & Directed to Cause the same to be done.

AND BE IT FURTHER ENACTED the Recognisances that heretofore have been used and Accustomed to be taken to the King of Great Brittain by the Stile and Title of our Sovereign Lord the King shall from and after the first day

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of June One thousand seven hundred and seventy six be taken to the Government & People of the Masseehusetts Bay in New England and when a seire facias or other Legal Process shall be Issued thereon Against the Recognizor or Recognisors they shall be in the name and behalf of the said Government and People. And when Judgment shall be rendered thereon the money Recovered & Levied shall be paid into the treasury of this Colony for the use of the same.

And BE IT FURTHER ENACTED that all Suits upon Recognzanes which have been heretofore taken within this Colony to the King of Great Brittain under any name Character or form of words whatsoever that have been or that may be hereafter forfeited (if any Suits should be brought thereon) shall from and after the said first day of June be Commenced & prosecuted in the name and behalf of the Government & People of the Massechusetts Bay in New England and not in the name of the said King And the Money Recovered and Levied on such Suits shall be likewise paid into the Treasury of this Colony for the use and Benefit of the said People.

In the house of Representative's May 1, 1776 This engrossed bill having had three several readings passed to be Enacted

Sam': Freeman, Speak! P. T.

In Council May 1st 1776.

This Engrossed Bill having had two several Readings passed to be enacted

PEREZ MORTON D See'ry

WE consent to the enacting of this Bill

JAMES OTIS T CUSHING

W SEVER JEDH FOSTER JAMES PRESCOTT
B GREENLEAF ELDAD TAYLOR MICHAEL FARLEY

W SPOONER MOSES GILL
CALEB CUSHING S HOLTEN
J WINTHROP B LINCOLN

B CHADBOURN

SECRETARY'S OFFICE, BOSTON, January 31, 1862.

A true copy of the original.
Witness the Seal of the Commonwealth.

[L. s.] OLIVER WARNER, Secretary of the Commonwealth.



lovernment Leople of Mapainists Buy in new logland STATE OF THE STATE To all mee whom these Presents shall come, Greeting, KNOW YE, That WE have affigned and constituted, and do by these Presents assign, constitute and appoint Our Trusty and wellbeloved Benjamin While C. To be one of Our Justices to keep Our Peace on the Country of Sufforth, without our And to keep and cause to be kept, the Lawe and Ordinances made for the Good of the James Ohis Peace and for the Conferention of the fame, and for the Quiet, Rule and Government of Meneenleap Our People in the faid County, in all and every the Articles thereof according to the Force, Form and Effect of the fane, and to chastife and punish all Persons offending against the Form Wooner of those Laws and Ordinances or any of them in the County aforesaid, as according to the Form of those Laws and Ordinances shall be fit to be done; And to cause to come before Coleb Cuffing Justich Garith him the hid Benjamin White, all those that shall break the Peace, or attempt any Thing against he same, or that shall threaten any of our People in their Persons, John Wheteomb or in burning their Hoces, to find sufficient Security for the Peace, and for the good Behaviour towards Us and our People; and if they that refuse to find such Security, then Jed! Trosten to cause them to be kept fafe in Prison until they shall find the same; and to do and per-Histor how less form in the County aforfaid, all and what foever, according to the Laws and Ordinances of our faid Province, or any of them, a June of the Reace may and ought to do and perform and with any two or more of our Justice; of the fleave in five said (our feet of the Commission to them granted) to enquire by the Ouths of good Jubez Fisher Moses Cill. and lawful Men of our faid County, by whom the Truth may be better known, of all and Eldad Phylor Many Meffort all manner of Thefis, Trespalles, Riots, Routs and unlawful Assemblies whatsoever, and all and strength and strength of the Missing and M and singular other Misdeeds and Offences of which by Law Justices of the Peace in their General Selfions may and ought to enquire, by whomfoever or howfoever done or perpetrated, or 12 incoln which shall hereafter happen, howsoever to be done or attempted in the County aforesaid, contrary to the Form of the Laws and Ordinances aforefaid, made for the common Good of our Province aforefaid and the People thereof; Und with any two or esHolten Laboner more of our Justices of the Beace, in the said County (according to the Tenour of the Commillion to them granted as aforesaid) to hear and determine all and fingular the faid Thefis, Trespasses, Riots, Routs, unlawful Assemblies, and all and fingular other the Premises, and to do therein as to Justice appertameth, according to the Laws, Statutes and Ordinances aforesaid. IN TESTIMONY WHEREOF, We have caused the public Seal of gur Prevince . of the Mellechusetts Bay aforeseid, to be bereuste affixed: WITNESS the major Part of the Corneils of the said Province, at Waterlown, the sight Day of Septem In the year ORD, One thousand Seven Hundred & Security for In Council Sept 11.17/6 e By formand of the major this may Certify that the fast of the Councils, with the above Commencer was the day precion dayneable to a late let of lavine is consent of formill this state intelled and it for allery the face of Committeens ge " and was alved alconingly of Jover & Del Sel With the repect of IN Baxer 800

PURITAN LIFE AND MANNERS.

ANADDRESS,

DELIVERED IN

IPSWICH, MASS.,

AT THE

MEMORIAL SERVICES,

ON FOREFATHERS' DAY, DEC. 21, 1870,

TOGETHER WITH A NOTICE OF THE EXERCISES ON THAT OCCASION.

BY REV. THOMAS MORONG.

PASTOR OF THE FIRST CHURCH IN IPSWICH.

BOSTON:

LYMAN RHODES, PRINTER, 160 WASHINGTON ST. 1871.

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Ipswich, January 1, 1871.

REV. THOMAS MORONG:

Dear Sir,—The undersigned, a Committee of the First Parish, appointed to arrange the late Pilgrim memorial celebration, respectfully ask of you for publication a copy of your Address then delivered, in order that it may be preserved and handed down to posterity.

ZENAS CUSHING,
J. P. COWLES,
N. R. FARLEY,
JOSIAH LORD, JR.,
CALEB LORD,
AARON COGSWELL,
JOSEPH ROSS,
SAMUEL N. BAKER,
CHARLES SAYWARD,
JOHN W. BAILEY.

IPSWICH, April 1, 1871.

To the Committee of Arrangements:

Gentlemen,—Herewith I hand you a copy of the Address which you request for publication.

It gives me sincere pleasure to contribute my humble offering to the memory of the fathers, whom none have more reason to honor than the inhabitants of this ancient town.

Respectfully yours,

THOMAS MORONG.

PREFACE.

Fifty years ago, two hundred years after the landing of the Pilgrims at Plymouth, Forefathers' Day was observed by the First Church, in this town. We have not the means of ascertaining the particular exercises, if any, that were held; but there is still extant a valuable discourse on the ecclesiastical history of the town, prefaced by a brief notice of the Pilgrims, which was delivered on the occasion by Rev. David T. Kimball, then pastor of the church.

To follow so good an example, and to keep alive the memory of the fathers, the First Parish resolved to celebrate the two hundred and fiftieth anniversary of the landing.

A committee was chosen to make arrangements for that purpose; and, under their direction, the following exercises were held in the church, which was filled to overflowing with spectators.

The chairman of the committee, Mr. Zenas Cushing, opened with a few appropriate remarks, and then invited Rev. C. A. Merrill, of the Methodist Church, to offer prayer; after which a time-honored hymn was sung by a large choir who followed as nearly as possible the ancient style, being led by the instruments that were in vogue before the invention of organs. Rev. J. P. Cowles, Principal of the Ipswich Female Seminary, followed with a felicitous address on the indebtedness of this community to Puritan culture, paying, in the course of his remarks, a fitting tribute to the ministers who, in former times, adorned the Ipswich pulpit with their piety, learning and eloquence. Half an hour was then spent in singing the by-gone hymns and tunes with which our ancestors were wont to refresh themselves; after which the annexed discourse was delivered by the present pastor.

At the close of the Address, the choir again sung, and continued till a late hour to charm the audience with their spirited rendering of ancient church music; especial attention being paid to Old Hundred, which was lined off by Dea. A. Cogswell, and sung without instrumental accompaniment, in more antiquo.

The elders, who remembered the old style of singing, and many of whom had participated in it themselves, at last turned reluctantly away, as from a feast which had vividly recalled old scenes to their memory.

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ADDRESS.

The object of the following address is not so much to set forth, distinctively, the policy and the principles of the founders of New England, as it is to portray the men themselves.

If we would ascertain real character,—go to the bottom of a man's creed and motives,—we should not search his library, his manuals, his written articles of faith, his formal declarations, which hide more than they reveal. Such expositions show not so much what the man really is, as what he wishes to be considered. Rather, go into his place of business, his home, his chamber. Note what he wears, what he eats and drinks, what he builds, what he pulls down, and what he wastes; engage him in familiar conversation, and mark how he talks about neighbors, friends and enemies, the church, the state, time and eternity; in brief, if you would anatomize him, morally, study his habits.

Thus would I present the first settlers of this land to your view. I make no distinction, now, between Puritan and Pilgrim. The difference between them was superficial, and never appeared in the land of their adoption.

It is not so difficult to trace the distinctive features of the Founders as it may seem. Two centuries ago, in a population perfectly homogeneous, numbering only fifty-five thousand, and thrown by necessity into close proximity, family

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and individual traits were more apparent than they can be in a widely spread population of three or four millions, and consisting of mixed nationalities. There was little diversity of manners among them. Similar tastes and sentiments had drawn them together, and the original resemblance had been heightened by common dangers and hardships. Class distinctions can hardly be said to have existed at that period. Rank, wealth and luxury had as yet raised no walls of partition. All were compelled to engage, more or less, in mannal labor.

We take the people at a time when their primitive condition was just beginning to show symptoms of change and development. It was not precisely the New England of Carver and Brewster, or even of Winthrop; in some respects, it was a transition period. Most of the first generation of planters had fallen asleep; and their successors, many of them born in the country, were reared under new associations, free from the bitter hardships experienced by the original emigrants.

The character and influence of the strong-minded band who had borne the brunt of the early struggles, were, however, still of commanding weight in the Puritan community. The force that had given birth to the emigration had a generation longer to run before it would exhibit unequivocal tokens of decrease. The circumstances had undergone but slight variations. Non-conformity was as severely harrassed in England as ever. The spirit of Puritanism was kept brightly burning in the new world by the constant arrival of fugitives, who found no more mercy under Charles II. than their fathers had found under his father and grandfather.

Something had been gained by the colonists in population

and territory, in commerce, agriculture, domestic manufactures, household comforts, and in security and stability of life; but not a great deal. The country still remained, for the most part, an unsubdued wilderness. From the Charles river to the Connecticut, stretched an unbroken primeval forest. Lake Quinsigamond, around which the thriving inhabitants now ply the ringing hammer and the whirring loom in a hundred factories, then mirrored in its limpid waters no face paler than that of the Indian maid. A few clumps of dwelling houses, the nuclei of the towns of Springfield, Hadley, Northampton and Deerfield, dotted the Connecticut valley, west of which lay terra incognita. The red man was sole lord of Vermont, and the whole of New Hampshire and Maine, save a few acres near the seaboard. Massachusetts made a figure upon the census list not much larger than Newburyport, then just emerging from the woods, can now display. Boston, the sole city within the sixty thousand square miles, of which it is now the metropolis, contained but six thousand citizens, all told. Ipswich, among the largest country towns, numbered about twelve hundred inhabitants. In Connecticut there were a few villages, confined mostly to the coast, and some of them respectable in point of size, but from Hartford to the Pacific no English axe had made its mark.

Instead of the cultivated fields, the blooming orchards and meadows, the comfortable farm houses, and the numerous and well-travelled roads that occupy the route along which the fiery coursers of the Eastern railroad fly in an hour, let your imagination picture the broad arches of the ancient forest; rank, impassable marshes, unbridged rivers, crossed by fording or in rude ferry boats, steep hills and unfilled

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gulleys; the entire distance from Boston to Ipswich, traversed by a single bridle-track, a day's journey on horse-back, and a smart two days' trip on foot, the more common method of travelling at that period. It was well-nigh a century before James Watt had invented the steam-engine, nearly one hundred and fifty years before Stephenson taught the world how to construct a locomotive.

Carriages, even, were unknown in the community; and horses were scarce. A good idea of the usual mode of journeying, among the better classes, is furnished by John Dunton, an English book-seller, who visited this country in 1686. This garrulous gentleman describes a "ramble", as he terms it, that he made from Boston to Ipswich in company with a lady who had friends residing here. They crossed the river at Charlestown by ferry, and took horse on the other side; riding, apparently, in the old-fashioned style, the gentleman in the saddle, and the lady on a pillion behind him. followed a path through the woods until they reached Salem, where they arrived about nightfall. The next day they went on to Bass River (now Beverly) and Wenham, beyond which the route was considered obscure and dangerous; and it was therefore a matter of great satisfaction to the travellers, that they were overtaken at this point by a friendly Indian who guided and assisted them as far as Ipswich. Dunton speaks of their safe arrival at their destination, that night, as though they had accomplished an extraordinary feat.

Agricultural science was not more advanced than road-making. The implements in use were rude and clumsy; the culture was unskilful, and not half the produce was gathered of which the soil was capable. The tilled fields were small clearings cut by the settler's own hands out of the woods,

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and generally situated in the immediate vicinity of the fortified block-house. The farmer sowed and reaped at the hazard of his life, for the tomahawk waged dire war with the plough. Wolves, too, notwithstanding the bounty of £4 a head which was offered for their scalps, were very numerous, and committed great depredations upon cattle and sheep. Even as late as 1747 they infested this neighborhood to such an extent that parents did not dare to let their children come home from church without protection.

It was one of the privileges of our ancestors that we do not envy, to be soothed to rest at night with the lullaby of wolf-howls which always began soon after sunset, and continued till morning.

The smallness of wages during the first century was another serious hindrance to industry. In England, during the reign of Charles II., according to the estimate of Mr. Macaulay, the ordinary wages of the peasant did not exceed four shillings a week, or about sixteen cents a day in our currency. Here, at the same period, the rate was somewhat A laboring man received twenty-five cents per day, higher. and for extra work thirty-seven cents. Sewed leather shoes, of the largest size, cost but sixty-five cents a pair. An experienced miner, engaged in England by the Massachusetts Bay Company, made a contract with the Company to cross the water for a free passage and two hundred and fifty dollars a year for his services. A surgeon, under a similar contract, was given the passage of his family, one hundred dollars with which to stock his medicine chest, a yearly salary of one hundred dollars, a small house, and two hundred acres of land, all of which was equivalent, in those days, to less than three dollars a week. The highest salary

paid any elergyman in the Commonwealth was four hundred and fifty dollars, and the lowest, one hundred.

When professional skill, which always commands the first price, was estimated at such low rates, it is evident that the wages of the mechanic and the laborer must have been small enough. True, money was worth more then than now, but reckoning its value as one-third greater, still the workingman could not have earned ordinarily more than thirty-five cents a day. This, of course, operated to the disadvantage of husbandry.

But in spite of such obstacles, the industrial productions of the colonies were more than sufficient for home consumption; and a small surplus was left for exportation. Flax and hemp were cultivated, and used in woven fabrics; the cereals now raised on our soil were common from the first; tobacco was, unfortunately, one of the earliest and most highly-prized crops grown in New England; potatoes were scarcely known, and their place was supplied by turnips; the native fruits, such as the mulberry, the strawberry, the plum, and black and red currants, existed here in a perfection never seen at the present time in a wild state, and in the gardens were found the pear and the apple which had been introduced from the old country.

Wool formed a staple article on the farm, for out of it most of the clothing was made. Cattle were raised for the market. Staves were manufactured. A few grist mills and saw mills, described as a "late invention," stood upon the streams, modest precursors of the Briarean monsters which render modern New England the workshop of America.

The resources of the country would have been rapidly developed had not the short-sighted and jealous merchants

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of London obtained from Parliament a navigation act, forbidding the colonists to compete with them in foreign trade. The only result of this legislative interference with the market, aside from the infliction of serious injury upon Great Britain herself, was to dam up the channels of commerce in one direction, while they overflowed in another. It is now an admitted maxim of political economy, that Government should encourage the largest and freest traffic; and that mercantile enterprise can never be prevented by legal restrictions. If there is anything in the Yankee which will have vent, it is his passion for barter. Speculation is as natural to him as talking or whittling. Parliament might as well have tried to imprison one of Brother Jonathan's snowstorms in a pocket-handkerchief as endeavor to circumscribe his bargaining propensities by a navigation act. Forbidden to compete with English staples, the people drove a brisk business with the Indians, and Dutch of Manhattan, for peltries, and monopolized the North American fur trade. Enjoined from selling their own wares in foreign markets, they carried European goods to the Southern colonies, Maryland, Virginia, Carolina, Antigua and Barbadoes, taking in exchange various tropical products, which in turn they exported to Spain, Italy and Holland, together with contraband articles of their own production. This roundabout traffic, while it outwitted and annoyed the English merchants, greatly promoted the building of American ships, a manufacture which it was one purpose of the oppressive navigation acts to The first published history of Massachusetts discourage. Bay, written a little before this period, informs us that "many a fair ship had her framing and finishing here, besides lesser vessels, barques and ketches; many a master, besides

common seamen, had their first learning in this colony. Our maritime towns, Ipswich,* Salem and Boston, begin to increase roundly, especially Boston," in which "good store of shipping is yearly built, and some very fair ones. The town is the very mart of the land. French, Portugals and Dutch come hither for traffic."

The woods were full of the choicest ship timber, which cost nothing but the labor of getting it out; the rivers and bays furnished the finest harbors; nature invited them to build vessels as much as she bade them raise corn; and build they did in spite of the envy and prohibition of their rivals across the ocean. Most of their ships were small, none exceeding five hundred tons burthen. They were constructed like the old Dutch-bottomed droghers, patterned, apparently, after the Dutchmen themselves, very broad, very heavy, very safe and very slow. Five or six knots an hour was their highest rate of speed; and no one expected to make the voyage from Old to New England in less than two months.

From the ships of oak, let us now turn to the *ship of state*, and to the men chosen by the Founders to navigate that.

Thomas Prince stood at the helm in Plymouth as the successor of Bradford, recently deceased. This Bradford was the Governor whose retort so effectually quelled the courage of Canonicus, Sachem of the Narragansetts, and famous among the Indians for his prowess. On one occasion, when

^{*} It may surprise some of the present generation to learn that Ipswich was originally settled as a *seaport*, but such was the fact. The first settlers located themselves on Jeffrey's Neck, and probably nothing but the bar at the mouth of the river prevented the town from becoming of maritime importance.

angry with the English, he sent to Bradford a bundle of arrows wrapped in the skin of the rattlesnake, a sign which there was no mistaking. The Governor promptly returned the skin filled with *powder and shot*. The chief had the good sense to take the hint, and preserve the peace.

Roger Williams, unquestionably a schismatic, and a provoker of contention, and as unquestionably the first direct asserter of true liberty, the liberty of conscience, had lately founded Rhode Island, where he acted as President of the Narragansett Plantations.

Haynes and Hopkins were alternate Governors of Connecticut, soon to be succeeded by the younger Winthrop*" of whose praises the new world was full."

In Massachusetts, the inflexible Endicott ruled. No respecter of royalty, he; for with his own hand he had cut the blood-red cross out of the standard of Albion, because, to his mind, it savored of Popery! No permitter of fantastic play-fooleries, he; for when Morton, of Mt. Wollaston, or Merry Mount, as he christened it, erected a May-pole, after the fashion of the Cavaliers, and essayed to act around it the masques and mummeries prescribed in the book of pastimes, the grizzled Puritan clove the pole in twain with his sword, and marched the merry lord of misrule to jail!

Such were the leaders to whom were committed the destinies of New England in her youth. They were clear cut, straight-forward rulers, who knew not how to wear a mask, to sacrifice their convictions, or to follow the winding paths

[•] John Winthrop, Jr., who came among the first settlers to Ipswich, March, 1633, and resided here till 1645, when he removed to Connecticut, where he afterwards became Governor, and as well known and loved as his distinguished father. The town, in 1639, granted him a farm which included Castle hill.

of supple knavery. Politics, a word of purity then, were confined to an honest management of the very simple democratic machinery;—a pity that a looser age understands nothing by the much abused term but the intrigues and squabbles of political parties. Office had but few attractions to men of such stubborn integrity. Indeed, so unambitious of official preferment were the earlier citizens of this Commonwealth, and so ready to decline election, that the General Court was obliged to enact a law that any person chosen to the office of Governor, and refusing the honor, should be fined £20! A man declining the office of Councillor or Magistrate, after his election, was liable to a fine of £10! Fines of that kind would not be very numerous among the descendants of the Puritans!

The corrupt party cries, "to the victors belong the spoils," and "rotation in office," bred no strife in this body politic until the fathers had slept in the grave more than a century.

Bradford was chosen Governor of Plymouth, without a dissenting voice, for thirty-six years in succession, with one or two intermissions, when he was let off, at his own request, after hard pleading. Winthrop was annually elected to the same office in Massachusetts for nineteen terms.

During the continuance of the original charter, from 1630 to 1686, a period of nearly sixty years, the colony of Massachusetts had but six Governors; and the same number filled the chair at Plymouth for the first seventy years.

These worthy magistrates possessed one virtue now nearly obsolete; they strictly attended to their official business. They consumed no time in pulling party wires, and in trimming their sails to suit the popular breeze; nor did they waste the public money in municipal junketings, and in the

distribution of government jobs. They vexed not their souls over caucuses, and nominations and canvassings, not they. They had a law, and went by it; they had public duties to discharge, and, in their simplicity, actually made it a matter of conscience to discharge those duties! It never occurred to them that the end of the office was the good of the office-holder.

In dress and personal habits they set an excellent example before their constituents. It was their custom to live simply, to wear plain homespun, woven by their wives, to rise with the sun, and retire by ten o'clock.

They could mend a constitution or a broken axe-helve, be legislators or carpenters, and be either right well, and right willingly. They answered to the plain title of "Mr.," and refused to be styled "My Lord" or "Right Honorable."

If their virtue was a little austere, it was, at least, sincere, and certainly not cynical. It was not uncommon for them to sacrifice their private interests to a large extent for the public weal. On one occasion Governor Winthrop came to Ipswich, then called Agawam, on foot, and, learning that the pulpit was vacant, spent the Sabbath, and, in his own quaint language, "exercised by way of prophecy," or, in modern language, preached a sermon, returning to Boston a few days afterwards by the same primitive conveyance that had brought him.

The executive disbursements of this noble magistrate were once challenged in an electoral assembly by a ferret-eyed critic, when the Governor invited an investigation, and, much to the chagrin of his censor, it was found that out of his own purse he had expended in the service of the State £1000 more than his salary! If comparisons are not too

odious, we may be allowed to doubt if the public treasury suffers much in that manner at the present day.

Let us next pass from the executive to the laws. National character is embodied in national law. As a man's heart shows itself in his temper, so the underlying disposition of a people is expressed in the civil code under which they live. The statutes of the Founders were as unique as the men. The element of independence lay upon their face. the Pilgrims landed upon this coast, they drew up and subscribed in the cabin of the Mayflower, a civil compact, which, while styling the subscribers "loyal subjects of king James," yet bases government upon "just and equal laws" for the "general good,"—thus quietly setting aside the doctrine of the Divine, hereditary and indefeasible right of kings to the crown, a doctrine then universally accepted by the rest of the world. This compact was really the "birth of popular constitutional liberty." It placed the people above the throne, and above Parliament; and, in spite of royal mandates, and judicial decisions in England, the principle then for the first time enunciated among men, maintained itself in all the subsequent legislation of the colonies. compact lies to-day at the foundation of every State constitution in the United States, and gives all their force to the Declaration of Independence, and the Federal Constitution.

The establishment of such a civil government as their first corporate act, shows not only the wisdom and the orderly character of the Pilgrims, but also their daring self-reliance. It was a bold act; and it was bolder still to carry out that self-made government upon English soil. Three thousand miles of intervening ocean, and their obscurity protected them for many years in the exercise of what was substan-

tially a democracy; but almost any other people than these God-fearing Puritans would have hung weakly upon the skirts of English authority, or ruined themselves, in their liberty, by fantastic schemes of government.

They made laws for themselves; and into these laws they put the Puritan unmistakably. In framing their system, they would borrow from the English code nothing but general principles, since that was the identical code from which they had suffered; and to adopt that would defeat the object of their emigration, for it would at once subject them to the King, Parliament and the prelates in their respective jurisdictions. The Roman civil law would be either heathenish or Popish, which, in the estimation of the Founders, were nearly the same thing. They therefore selected the Levitical code as their model, with the modifications applicable to their circumstances. Like the Israelites, they reasoned, they were surrounded by heathen, and the Mosaic laws would, consequently, just suit their case. Like the Hebrews, also, they were a theocracy, in which God alone was supreme, and whose laws were the true standard for States as well as for individuals. And, besides, every person had a Bible in his hands, and no one could plead ignorance of the So they made the precepts of Moses the basis of statutes. their own code. By this bold course, a positive reform was effected in the Draconian code which then prevailed in the mother country; for the English criminal statutes punished one hundred and fifty offences with death, a bloody catalogue indeed! Our ancestors reduced the number of capital offences to eleven; and the unjust law of primogeniture they would not tolerate at all.

Dr. Bacon has well observed that "the greatest and bold-

est improvement which has been made in criminal jurisprudence by any one act since the dark ages, was that which was made by our fathers, when they determined that the judicial laws of God, as they were delivered by Moses, should be accounted of moral equity, and generally bind all offenders, and be a rule to all courts."

It is true that they also made laws against "New Lights," Quakers, Anabaptists, Familists, Antinomians and other "sectaries," as they were called. We can see that they violated their own professed principles, in attempting to control religious opinion by civil authority; but it is not exactly fair to estimate the conduct of the Puritans by modern standards of judgment. If we measure their course by the public opinion of their own age, as it is no more than fair to do, we shall see that in toleration, in the allowance of civil and religious liberty, in mildness of government, they were far in advance of any contemporary nation. The cry of persecution has often been raised against them because they refused to allow malcontents from abroad, and fanatical reformers, to come in and overturn the cherished institutions which they had suffered so much to establish.

If a body of half-crazed ranters should invade our quiet village, and disperse themselves through the streets, lifting up their voices in shrieks of denunciation, comparing us with Nineveh, and themselves with Jonah; if they should impudently enter our houses, and frighten the inmates with violent imprecations; if men and women, in a nude state, or in long black robes, with dishevelled hair, and with ashes upon their heads, should rush into the aisles of the churches, on the Sabbath, and denounce aloud both ministers and congregations; it is probable that even we, enlightened and toler-

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ant as we are, would call for the sheriff. But suppose these disturbers should turn round upon us when arrested, and call us *persecutors!* Should we not be apt to think that the persecution was on the other side?

This is just the course pursued by many of the Quakers who came into the colonies. They did not come here to settle; they had no intention of remaining. Their avowed purpose in coming was to "testify against the iniquities of Babylon"; meaning by that the Puritan government and principles. The Puritans never disturbed resident dissentients, so long as the latter were disposed to disturb nobody else. Parker, of Newbury, a strong Presbyterian, and persons of Episcopalian belief, living among them, were never molested, even when they spoke their minds freely. But so far as these howling Quakers were concerned, men bearing no resemblance to the peace-loving Friends of the present day, the Puritans, knowing scarce nothing of insanity and its proper method of treatment, and liable at any time to have their colonies broken up by dissension, and their charter revoked by the jealous English Government;—so far as these disturbers are concerned, our sympathies are entirely wasted when we regard them as the victims of Puritan persecution.

That which we call freedom of conscience, is a necessary result of Puritanism. The Puritans themselves did not at first understand the full breadth of their own polity. The planting of a new Canaan in a virgin soil, far removed from the contaminating influence of European manners, into which no corrupt doctrine should ever penetrate, was their first and great object; and it galled them to the quick to see the very evils which they had forsaken the old world to escape threatening their peace in the shape of noisy dissenters. The re-

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moval of sectarian disturbers from their bounds, they deemed an act of self-defence. In this, however, they unwittingly inflicted upon others the very wrong against which they, themselves, had protested in England, thereby violating their own fundamental principles. On Papal tenets intolerance is inevitable, but it is utterly alien to the Protestant spirit. That the Founders did not see in their little commonwealth the germs of a powerful Republic, and that they failed to make the broad application of their own principles which such a Republic would require, is little to their discredit; while it is to their honor that, seeking to found a pure church, they at the same time laid the foundations of a free and prosperous nation.

It needed but a larger experience to open their eyes to their error, and to work their constitution clear of its inconsistencies. In that constitution intolerance was an exceptional and temporary thing; its true basis was "just and equal laws." If they erred at first, they soon saw their error, and adopted a policy more correct and liberal, and more consonant with their principles.*

There was a more potent body than the Quakers in the community, who rebelled more effectually against the oppressive enactments of the Puritan law-makers; I mean the Puritan ladies. Our ancestors, in their attempts to seeme purity of manners, undertook to supervise the fashions, and failed more signally than they did in suppressing dissent.

^{*}The philosophic De Tocqueville ascribes the happy blending of constitutional liberty and self-government that is found in this country to the early townships of New England. He might have gone back further, and ascribed it to the polity of the Congregational Churches established by our fathers. Congregationalism, self-government in church, was the true root of democracy in town and State. In this system, toleration is a necessary principle.

Though making no open opposition, the ladies quietly ignored the laws made by their liege lords in regulation of dress. Fashion is perfectly lawless. Woman then, as now, claimed the right to wear whatever she chose, large sleeves or small, long dresses or short, shoes with heels or without heels; and she exercised that right in spite of legislative dictation.

In 1639 the General Court ordered "that no tailor or any other person whatsoever shall hereafter set any lace or points upon any garments, either linen, woolen, or any other wearing clothes whatsoever;" "that hereafter no garment shall be made with short sleeves, whereby the nakedness of their arms may be discovered in the wearing thereof, and such as have garments already with short sleeves shall not hereafter wear the same, unless they cover their arms to the wrist with linen or otherwise:" "that hereafter no person whatsoever shall make any garment for women, or any of their sex, with sleeves more than half an ell wide in the widest place thereof;"—" and for the present reformation of immoderate great sleeves, and some other superfluities, which may easily be redressed without much prejudice or the spoil of garments, as immoderate great breeches, knots of ribbon, broad shoulderbands and rayles, silk ruses, double ruffs and cuffs," &c. But ruffs and cuffs and open sleeves maintained their place. Even a Governor's lady was unpatriotic enough to dress in the forbidden fashion.

Ve ls, too, passed under judicial review. Legislators and elergymen objected to them, except the saturnine Endicott and the tolerant Williams, who were disposed to favor them. Cotton Mather, however, settled the veil question in Salem, off-hand. Preaching in Williams' church, one Sabbath foremoon, he noticed that most of the ladies were the prohibited

article, and in the course of the service he drily observed that the veil was an indication in women of more submission to men than was required by the gospel. In the afternoon nearly all the gentler sex in the congregation appeared unveiled.

Long hair and love locks, worn by men, were particularly distasteful to the General Court; and in 1675 that body took occasion to pass the following order: "Whereas there is a manifest pride openly appearing amongst us, in that long hair, like woman's hair, is worn by some men, either their own or another's hair, * * * and by some women wearing borders of hair, and their cutting, curling and immodest laying out their hair, which practice doth prevail and increase, especially among the younger sort, this Court doth declare against this ill custom as offensive to them * * * and further, do empower all grand juries to present to the County Court such persons, whether male or female."

Rev. Ezekiel Rogers, of Rowley, who died in 1661, disinherited his nephew because he persisted against his uncle's wish in wearing long hair. In his will the old Puritan shows how strong his feelings were upon this subject. One clause reads: "I doe protest against all evill fashions and guises of this age, both in apparell and that generall disguisement of longe ruffianlike haire."

Wigs completed the disgust of the General Court, and they launched a series of anathemas against them, but in vain. Huge periwigs, full-bottomed wigs, tye-wigs, bagwigs, scratches, wigs made of horse hair and goat's hair, powdered wigs with immense curls, and numerous other kinds, sprang into fashion in defiance of the fathers of the Commonwealth. The ministers preached against them;

church members were excommunicated for wearing them; but wigs won the day. Rev. Solomon Stoddard thus laments the fashion in a letter to Judge Sewall, written in 1701: "There is abundance of sin in this country in wearing wigs. Some cut off their hair because 'tis red or gray; some because 'tis straight; some, frizzled; some because 'tis their own. Some of the wigs are of an unreasonable length, and generally they are extravagant as to their bushiness. The wearing of them is pride, to make a vain show. It makes the wearers of them look as if they were more disposed to court a maid than to bear upon their hearts the weighty concernments of God's kingdom."

These ridiculous head appendages finally came so much into vogue that even the ministers, in some cases, forgot their dignity, and clothed their heads with the most unprincipled sort of wigs, those of the long curled pattern, to the great scandal of their graver parishioners. A good story is told of a country parson of this period, who, on a visit to Boston, was smitten with admiration for a wig which he saw displayed in a shop window. Reckless of public opinion, he bought the objectionable oddity, and, returning home with his purchase, wore it at meeting the next Sabbath. As a wig of such portentous size and shape was quite a novelty in that obscure place, it gave offence to nearly all the congregation. The next day the greater part of the parish, male and female, repaired to the parsonage, and raised a general outery against the wig, complaining that it was one of the Boston notions, and had the look of fashion and pride. Thereupon the goodnatured man brought it forth, and bade them fashion it to their own liking. At once, matron and maid set about the task. Scissors in hand, they cropped off lock after lock, till

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at last they all declared themselves satisfied, except one man who alleged that, in his opinion, wearing any wig at all was a breach of the second commandment: "Thou shalt not make unto thee any graven image, or any likeness of anything that is in heaven above, or that is in the earth beneath." This last objector the parson silenced by declaring that the wig, in its present condition, resembled nothing above or below.

However unwise or impossible of execution such sumptuary laws may have been, it is easy to see that they aimed at the general good. The Puritans may appear ridiculously prim and strait, and over-meddlesome with private judgment and manners, but we must admire their efforts to promote a general purity of life, modesty, sobriety and chastity. They were not sufficiently experienced to perceive that frivolity in dress, is, legally speaking, harmless, and should be left to the more potent weapons of ridicule and good taste.

In the punishment of crime, our forefathers were much milder than the English, in regard to the lighter offences; but they kept a sharp eye upon the community. Woe to the tippler who was seen reeling along the streets! Forthwith he made acquaintance with the pillory; there, with feet encased in a pair of wooden socks, to grow sober at his leisure. Woe to the truant who preferred lounging and swinging upon the gates to his school! A sound castigation, administered by the constable, and a close cropped head, quickened his zeal for learning.

Often there was mingled with the punishment a stroke of pungent wit. The second crime committed in New England was a duel. Two swaggering men servants, recently from England, attempted to imitate the gentility which they had

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witnessed in court circles by slashing at each other with sword and dagger. Both were slightly wounded. The whole company of Plymouth, where the delinquents lived, gathered together, and decided that they should be tied together by the head and feet, and so lie for twenty-four hours without meat or drink. Really, if all our fiery politicians and editors who seek to heal their wounded honor with pistols could only be thus tied together, neck and heels, duels would speedily fall into bad odor!

Other offences received similar treatment. Here is the Puritan mode of dealing with theft: "Josias Plaistow, for stealing four baskets of corn from the Indians, is ordered to return them eight baskets, to be fined £5, and hereafter to be called by the name of Josias, and not Mr., as formerly he used to be." The title of Mr. was worth something in that day!

Cheating got its meed in Edward Palmer, who "for his extortion in taking £2 13s. 4d. for the wood-work of Boston stocks, is fined £5, and ordered to be set one hour in the stocks." The first man to try his own handiwork!

Profanity received its punishment in the organ with which it was committed, as in the case of Robert Shorthose, who "for swearing, is sentenced to have his tongue put into a cleft stick, and so to stand for the space of one hour."

An inhabitant of this town, addicted to intemperance, was fined, and sentenced to stand during the pleasure of the Court with a sheet of white paper pinned to his back, whereon was written the word drunkard in large letters.

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Such instances show not only a spice of grim humor, but the paternal discipline of the times. Punishments for minor offences, so ludicrous, were calculated to check them better than all the whippings, hangings and burnings that were so liberally practised in England at the same period. The Founders seem in most cases to have administered correction like discreet parents.

This brings us properly to another important institution of New England, the *Family*. We have glanced at the Puritan in the State-house, let us now take a look at his private dwelling.

One of the greatest blessings for which we are indebted to our Puritan ancestry is the home. The New England home! What nameless charms nestle in that word! All that is lovely in virtue and religion is there; all that is clinging and comforting in affection; all that is beautiful in self-sacrifice. No child that goes out from a Puritan home, goes out without an amulet on his heart. The authority, the peace, the sanctity of that spot will abide with him forever. If this nation is ever lost to truth and to virtue, it will be when the Christian home has perished. And this sanctifying, this happy institution came down from those men whom some that have inherited the birthright call morose, exacting and intolerable bigots!

Puritan families were generally quite large. Cotton Mather mentions families consisting, one of twenty-seven, another of twenty-six, a third of twenty-three, another of twenty-two, and a fifth, of nineteen children. Families of ten and twelve children of the same parents were quite common. The Bible supplied them with names, or if its stock failed, the virtues and the graces. Hence such names as Persever-

ance, Patience, Deliverance, Dependence, Hate-Evil, Hold-fast, etc. The first three baptized in Boston Church, were Joy, Recompense and Pity.

The daughters were taught, betimes, to card, spin and weave cotton, flax and wool. The spinning-jenny was buzzing from morning till night; for every garment worn in the household was of home manufacture. Instead of the piano, the young ladies fingered the shuttle, and the knitting-needle; instead of learning to draw and crochet, they learned to make bread and butter. Musical instruments they had, such as the *spinet*, a sort of harpsichord, the *virginal*, and the *treble viol*. The virginal was not much superior to the jewsharp, and the others were but the rudiments of the piano and the violin.

The spinning-wheel, next to psalm singing, most delighted the ears of our mothers. They endeavored to realize, in themselves and their daughters, the preacher's description of a virtuous woman: "She seeketh wool and flax, and worketh willingly with her hands. She layeth her hands to the spindle, and her hands hold the distaff."

They wrought, to some extent, in cotton, an article then imported from Cyprus and Smyrna, but its use was quite limited. Whitney, whose genius was to furnish the means of preparing the raw material in almost fabulous quantities, was not yet born. The looms of Arkwright, by which it would be woven with magical rapidity and accuracy, were yet in the distant future.

Flax and wool furnished the principal material for domestic fabrics. Wool, especially, was consumed in large quantities. No woman who was ignorant of the art of spinning and weaving was accounted an accomplished housewife. Many

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a young lady in this Commonwealth, in 1670, might have sat for Longfellow's picture of Priscilla:

"Then as he opened the door, he beheld the form of the maiden Seated beside her wheel, and the carded wool, like a snow-drift, Piled at her knee, her white hands feeding the ravenous spindle, While with her foot on the treadle she guided the wheel in its motion.

Open wide on her lap, lay the well-worn psalm book of Ainsworth, Printed in Amsterdam, the words and the music together, Rough-hewn, angular notes, like stones in the wall of a church-yard, Darkened and overhung by the running vine of the verses."

The boys were early put to some useful handicraft. In this habit, the colonists imitated their favorite model, the Jews, with whom it was a maxim that every son, whether born to poverty or riches, should learn a trade. The vice of idleness was peculiarly disagreeable to the thrifty New Englander.

Next to industrious habits, a good education was valued. Family instruction and public schools supplied this want. The college at Cambridge, and a school in every town, received a liberal support from the people, and were considered next to the churches in importance. In this respect how different was the Puritan from the Cavalier stock which settled in Virginia, and, for a time, rivalled the northern Sixty-four years after the Old Dominion was colonies. settled, Sir William Berkeley, then Governor of the Province, in an official communication to the Lords of the colony, observed: "I thank God there are no free schools nor printing presses here; and I hope we shall 'not have any these hundred years; for learning has brought disobedience and heresy and sects into the world, and printing hath divulged them in libels against the best of governments. God keep us from

both." His devout prayer has been largely answered; while Massachusetts, which prayed for schools and printing presses, is fifty years in advance of Virginia in wealth, virtue, intelligence and power.

Books, in that age, were rare and costly, but every house contained a copy of the Bible, the Westminster Assembly's Catechism, Herbert's Temple, Flavel's Husbandry Spiritualized, or some other equally profitable volume.

Newspapers, now almost a necessary of life, had not as yet been invented. The Boston News-letter, the pioneer of this species of literature in America, was not established till 1704.

There was neither Post-office nor mails in the settlements. Letters were carried in travellers' pockets, and were necessarily few and far between. News travelled slowly from mouth to mouth; and when any did cross the water from England, it was often six months old before it reached the Connecticut valley.

Families in New England were therefore nearly shut out of the world, and forced to rely mainly on themselves for entertainment.

We may imagine the household gathered in one of those unpainted, thatched and gambrel-roofed houses such as were common in this region two hundred years since. The windows, made of small diamond panes of glass, are carefully closed and bolted. The walls of the rooms are washed with clam-shell lime, or daubed with clay; behind them a partition of brick to exclude the cold. There may be a rug ear pet in the best room, probably not, but the bare floor of the common sitting-room is scoured white, and covered with sand, to keep it clean. The family is gathered about the open fire-

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place, while the big logs send a roaring blaze up the huge chimney, which might furnish brick enough for a fair-sized modern house. There is no mantel-piece, but there are capital Dutch tiles on the sides and top of the fire-place, printed with Scriptural illustrations, and full of amusement and useful instruction for the children. There is no clock, with its solemn tickings, in the corner, to note the time; but there is the sun-dial, which is quite as good in the day-time, when the sun shines. There are wooden and rush made chairs, and one large, leather-bottomed arm-chair for grandfather; but the boys like best to coil up on the wooden settle which is placed in a warm nook of the mammoth chimney-place.

At one side of the hearth the good dame sits spinning; at the other the good-man relates, to greedy ears, the trials of the early martyrs, the stormy voyage of the Mayflower, and the adventures of the Pilgrims. Ever and anon they listen as some noise out of doors strikes the ear; for prowling Indians lurk in the neighboring forest, and it behooves them to be watchful. Over the fire-board hangs the loaded matchlock or the snaphance, ready for instant use. In the midst of such dangers, how vivid would be the old tales to the child's imagination, and how impressive the lessons thus imprinted upon his mind! The catechism has been duly learned before the prattler could read; and recited to the pastor in his parochial visits.

Cotton Mather's description of Mr. Eliot's family exercises may serve as a good illustration of Puritan domestic devotion. He writes: "His family was a little Bethel for the worship of God constantly maintained in it; and unto the daily prayers of the family, his manner was to prefix the reading of the Scripture; which being done, 'twas also his

manner to make his young people choose a certain passage in the chapter, and give him some observation of their own upon it. No exorbitances or extravagances could find a room under his roof, nor was his house any other than a school of piety. One might there have seen a perpetual mixture of a Spartan and a Christian disciple."

Late hours were never permitted; early rising was inculcated as a duty. Morning and evening devotions were as regular as their meals.

Amusements they had, but after an innocent and healthful sort. Supper parties were common, when the matrons of the village, clad in blue and white linen gowns, with short sleeves and high waist, and in snow white flaxen aprons, primly starched and ironed for the occasion, convened at some neighbor's, and spent the afternoon in social chat. The husbands came in to the evening meal, and carried home their wives before sundown.

Though they eschewed Christmas as too Popish, and New Year's and May-day as festivals too intimately associated with the loose games of the Cavaliers, yet they had their Thanksgiving, when the members of every family gathered about the hearth, and enlivened each other with anagrams, acrostics, and perhaps with quotations of graver poetry, or indulged in the youthful games of forfeit and blindman's buff, which have come down to us from a far more ancient age. Occasionally they had an apple-paring, a corn-husking, a log-raising or a quilting party, and at two of these particularly the young folks had a right merry time; for Puritan lads and lasses knew how to laugh and frolic as well as others.

If these diversions seem homely to us, let us remember

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that they promoted innocence and health, unmarred by the excitements and temptations of modern amusements.

When one of the daughters married, the wedding was a grand affair. The enamored swain first obtained the consent of the lady's parents, or, in case she was an orphan, of the nearest magistrate,—a precaution of prime importance, for a young man who made love to a maiden without first getting permission from these authorities, rendered himself liable to a visit from the constable. In this very town, in 1660, Daniel Blake was fined twenty-five dollars for making love to Edmund Bridge's daughter without her parents' leave. The young men of that day had to keep on the good side of the old folks, you see!

Armed with this permit, the parties passed through a lengthy courtship. The day was at last fixed, by family consent. It was no hasty affair, begun and finished in a few hours without anybody's being the wiser; it was deliberate and solemn, and something to be remembered and told of in These preliminaries arranged, the bride preafter life. pared her simple dower, which consisted of a goodly quantity of hose, knit with her own fair hands, a dozen patch bed-quilts, which she had wrought in quaint patterns, a few straight and high-backed chairs, a stiff, angular bedstead, with bedding to match, a pair of andirons, topped by a couple of grave looking dogs, brass candlesticks, pewter mugs, a sideboard, and other articles of furniture. maiden wore, perhaps, a jacket of blue and green, with slashed and open sleeves and searlet skirt, a wide, stiff ruff about her neck, high corked shoes turned up at the toes, with tall, pointed heels; undecorated, save by a plain gold ring, and, richest of all ornaments, a pair of ruddy cheeks. With

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these appurtenances, she was arrayed in bridal attire, unaided, and I may say, untormented, by milliners, dress-makers or upholsterers.

The bridegroom, for his part, was dressed in crimson waistcoat, with flaps and pockets dropping far below the waist, blue coat, ruffled bosom and frilled cuffs, buff pants, reaching only to the knees, long blue hose, and bright silver shoe buckles.

Thus attired, the couple, accompanied by their friends, sought the office of a justice; for no clergyman performed the marriage service in the early Puritan times, when "papistical" rites were so carefully shunned. Sometimes a minister was present and preached a sermon, but the knot he never tied.

After the ceremony, the newly married pair wended their way, in all soberness, to their own dwelling, and the daughter passed into the rank of good-wife. We may ascribe to the lady, in her new sphere, the wifely virtues which Dunton depicts in Mrs. Stewart, of Ipswich. "Her stature is of a middle size, her face round and pretty, her speech and behavior gentle and courteous. She is all obedience; the hyacinth follows not the sun more willingly than she her husband's pleasure. Her household is her charge; her only pride, to be neat and cleanly. She is both wise and religious; and, in a word, whatsoever men may talk of magic, there is none charms like her." *

Next to domestic habits, the most noticeable feature of Puritan life consisted in the public worship on the Lord's

^{*}According to Mr. Whitmore, the editor of Dunton's letters, this lady was Mrs. Anne, the wife of William Stewart, who was of Ipswich in 1686, and whose estate is inventoried at a later date in the County Records.

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day. From the Governor downwards, there was not a household in the community which omitted its observance. people were required by law, even had they not been led by higher motives, to hold a seat in the house of God, and to occupy it regularly. The tithing-man was appointed to look after non-attendants, and admonish them against remissness. Publicly and privately the day was kept sacred with the utmost rigor; even very young children being taught to keep still at home, and to attend meeting with their parents. Nobody complained of this strictness, however, unless it were the horse, and he had good reason, for he was obliged to carry not only the good-man, but the good-wife and her baby, and sometimes two or three other children strung along his back all the way to his tail. The elder boys trotted by the horse's side on foot, one carrying a basket of luncheon, not forgetting a jug of milk for the baby, and another, if it were winter, a foot stove. Peradventure, they passed a score of old gentlemen with braided queues dangling down their backs, or tied up in eel-skins, clad in buckskin short clothes, long stockings, broad-tailed coats and three-cornered hats. Venerable women, wearing calashes and bombazine gowns, fortified with capacious outside pockets that were stuffed with sugar-plums, caraway seeds, and other preventives of faintness, jogged along the half-built roads, all bound to the old square meeting-house standing upon the green, stiff, stately and cold.

They dismounted at the horse-block near the meetinghouse door. They lingered a moment, perhaps, to mark the wolf-scalps nailed upon the lintel, where the law required the bounty claimants to place them, and then they entered

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and took their seats reverently and silently in the square, high-backed pew.*

The services began with singing. The deacon, in his seat under the pulpit, lined out the hymn, and the congregation sang every alternate one or two lines as he gave them out. They sang, perhaps, in the words of Longfellow:

"—The hundredth psalm, the grand old Puritan anthem,
Music that Luther sang to the sacred words of the psalmist,
Full of the breath of the Lord, consoling and comforting many."

It was a favorite with our ancestors, and they often cheered themselves with its solemn strains. As the melody, flowing from the lips of the entire congregation, swelled along the bare walls, and rang upon the unceiled roof, it was sublimer than any organ peal in vaulted cathedrals; and more of the light of heaven sat upon the homely raiments of that humble assembly than falls upon the silks and brocades of more elegant worshippers.

This ancient hymn has a certain quaintness about it which is exceedingly attractive; and it is much superior in style to the uncouth rhymes and verses so common at that day, as the following portion of it evinces:—

"All people that on earth do dwell, Sing to the Lord with cheerful voice; Him serve with fear, His praise forth tell, Come ye before Him and rejoice.

[•] Many country churches were not furnished with pews till a much later period, but were seated with slips. I am informed that it is only three or four generations since pews were introduced into the First Church in Ipswich, and then only allowed along the wall on three sides, while there were slips on the right and left of the broad aisle. The pews, at their introduction, were put up singly at the expense of their occupants, and on spots designated by the authorities of the Parish.

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"The Lord, ye know, is God indeed, Without our aid He did us make; We are His flock, He doth us feed, And for His sheep, He doth us take.

"Oh enter then His gates with praise;
Approach with joy His courts unto;
Praise, laud and bless His name always,
For it is seemly so to do."

The singing was followed by the reading of the Scriptures, an exercise which devolved upon the teaching elder, who made a lengthy exposition, and offered a prayer, sometimes three-quarters of an hour long. Then the pastor, rising up under the overhanging sounding-board, and placing his hourglass before him, preached a sermon divided into ten or twenty, and, occasionally, into fifty or even a hundred heads, at least an hour in length. Sometimes he had to turn the hour-glass, and its sand nearly ran out a second time before he finished.* Notwithstanding its extreme length, it was a sterling sermon, full of references to the topics of the day, and pertinent remarks which kept the audience wide-awake and expectant.

Meanwhile, the congregation, if it was cold weather, sat in cloaks and mittens; the male part of the audience, denied the luxury of a foot-stove, ever and anon trying to warm their frosty toes by tapping audibly on the floor.

No one as yet thought of furnaces or stoves; and when they were introduced, many objections were made to the

^{*} It is said that, in allusion to this abuse of the pulpit hour-glass, a painter represented Hugh Peters, one of the early ministers of New England, as in his pulpit, with a large assembly before him, turning an hour-glass, and using these words: "I know you are good fellows; stay and take another glass."—Felt's History of Inswich.

innovation. A laughable anecdote has been handed down of a nervous spinster of that day, who declared that she never could bear the oppressive heat of a fire in the meeting-house. Sure enough, the first Sabbath she saw one of the clumsy iron boxes that our ancestors called stoves, she fainted, and had to be carried out; but she suddenly revived when somebody remarked in her presence that there was no fire in the stove, and had been none!

Service over, a short intermission followed, which was spent by families from a distance in the nooning house, built on the common, hard by, where they ate their luncheon, and discussed the sermon, and, possibly, other things, with their neighbors.

The afternoon passed much like the forenoon, only the services were far shorter.*

In this connection, we must not overlook the influence exerted by the Puritan clergy in social and civil, as well as in ecclesiastical affairs; for our genuine New Englanders reverenced their spiritual guides next to God; and a clear perception of the position which they held, will best enable us to appreciate the popular spirit.

They were very faithful in pastoral labor, visiting each house in turn, conferring freely with the elders upon their spiritual condition, and catechizing the young. It would almost seem as if Chaucer had one of these devoted servants

^{*} Leechford, in his "Plain Dealing," states that a collection was taken every Sabbath afternoon. One of the deacons saying "Brethren, now there is time left for contribution, wherefore, as God hath prospered you, so freely offer," the whole congregation passed up in order to the deacon's seat, the magistrates and chief gentlemen first, then the elders and the rest, and put their offerings in a box provided for the purpose; or, if they contributed "chattels," which was sometimes the case, they laid them down before the deacon; returning to their seats by another way.

the second of th 6 of God in mind, when he delineated his "poure Persone of a toun:"—

"Benigne he was, and wonder diligent,
And in adversite ful patient:
And swiche he was ypreved often sithes.
Wide was his parish, and houses fer asonder,
But he ne left nought for no rain ne thonder,
In sikenesse and in mischief to visite
The ferrest in his parish, moche and lite,
Upon his fete, and in his hand a staf."*

The early colony ministers were lettered men. They encouraged learning by example and by precept. To them, mainly, New England owes her schools and colleges, her high literary tone, her love of books, and her noble common school system. They did not hesitate to teach, themselves, in the lack of other instructors; and no family in their parishes could omit educating their children without receiving a timely admonition from their lips. Most of them were university bred, in England, or graduated at Harvard college. Many were men of large attainments in scholarship, and left literary works of no small merit.

Nor were they mere recluse scholars. Their courage and practical energy, and sagacity, fitted them to take a leading part in all the affairs of the colony. Many of the original settlements were due to the advice and assistance of the ministers. Thomas Hooker, if not the earliest projector of Hartford, Conn., was an earnest advocate of its settlement, and persuaded a majority of his congregation, at Cambridge, to follow him to that remote spot, leading them "more than a hundred miles through a hideous and trackless wilderness:"

^{*} Prologue to the Canterbury Tales.

Abraham Pierson, a graduate of Trinity college, organized the companies who founded Branford, Conn., and Newark, N. J., with his own hands laying the first axe to the primeval woods: Ezekiel Rogers, when fifty years of age, did the same thing at Rowley: Nathaniel Rogers, in 1638, brought with him from England, to Ipswich, a large number of emigrants.*

The ministers were commonly consulted on important political affairs, and sometimes appointed agents of the State. Welde and Peters were sent by Massachusetts as Commissioners to Parliament; and Norton was a Commissioner at the restoration. Two of the divines, John Cotton, of Boston, and Nathaniel Ward, of Ipswich, drew up the code of laws adopted by the colony of Massachusetts, and known as the Body of Liberties. When the king commanded the colony to surrender its charter, the magistrates, in great alarm, sought counsel of the clergy, who boldly and unanimously advised resistance to the arbitrary act, counsel which was adopted by the authorities.

Nor did their boldness confine itself to foreign oppressors. If they did not fear the Lord Bishops, neither did they fear the Lord Brethren. In the pulpit they spoke their minds on all the current topics without fear or circumlocution. The missionary, Eliot, preached against wigs and tobacco; Cotton, on women's veils, the Governor's salary, and the proposed emigration of the colony to Hartford; Davenport, at the foundation of New Haven, on civil government; Rogers, of Rowley, in an election sermon, vehemently urged his

[•] We are told that there accompanied Rogers "seventeen male members" of his English church. These, with their families, must have constituted a large company.

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hearers never to choose the same man to the gubernatorial office two years in succession; and Mr. Winthrop, the incumbent of that office, must have sat by his side while he spoke. Wilson, of Boston, one of the most distinguished ministers in the colony, even climbed a tree, on election day, and exhorted the populace to defeat the re-election of Sir Harry Vane.

With all their faults, these men were fit leaders of the vigorous and fearless race who peopled the wilderness of America, redeemed its barren rocks, and sowed the seeds of a great nation. In their trumpet tones we detect the energetic qualities of the people; in their frank canvassing of General Court, Governor, King and Parliament, there breaks forth the free speech of free citizens; in their stern reproof of sins of dress, tongue and carriage, committed by their parishioners, they were but the mouth-piece of the zeal manifested by the people themselves for purity and godliness of life; in their severe simplicity of manners, there is expressed the grave, decorous and unostentatious character of the community in which they lived and labored from youth to old age. Study the shepherds attentively, and you will discover what the flocks were.

If now, as I conclude, I am asked in what single phrase I would sum up the character of the Founders of New England, I answer in the word "truthful." Among many subordinate traits, there is one feature of their character which stands out pre-eminently, which binds all the rest together in harmony, which even lends dignity and glory to their failings, and that is their fidelity to truth. I do not refer alone to veracity, the utterance of truth; but in that larger sense of the word, in which one is said to be faithful to his

conscience and his God, governed in all things by a simple sense of right, these men were true men.

Austerity, doubtless, tinged their manners and their laws, but it was not the austerity of misanthropy, or of the Pharisee; it was the austerity of single-eyed, undeviating rectitude. They lived for a lofty end, and so they put their plane of living high. They, mistakenly, supposed that mirth and amusement necessarily conflict with an elevated spirituality; and, true to their ideal of virtue and religion, they became strict and severe in manner. The strain of such rigid correctness was too great to put upon human nature; it did not, and could not, survive the prosperity of a century. Posterity has supplanted their lofty exactness by more natural manners, perhaps; but, though we may not relish their way, we cannot forbear admiring their inflexible consistency. We may not admire austerity, but we must reverence fidelity to truth.

We need not soften a single line in the old Puritan portrait. "Paint me as I am," said Cromwell to the artist who would have toned down his coarse and massive features; and similarly say we of the Founders, paint them as they were, in all their ruggedness, in their uncompromising faith, in their precise morality, in their stern conscientiousness, in their unswerving devotion to duty; and, though you have done justice to but one side of their character, could there be a grander portrait? Their very ruggedness marks a race of moral giants.

Let those venture to belittle the giants who will; the blows of detraction only reveal more clearly their grand proportions. The name of the Puritan, satirized in jest and song, maligned by hatred and jealousy, blackened and

scorned by lust, is daily becoming more honored. As the years roll by, and impartial history makes up her awards, the stronger grows the conviction among the good and the intelligent, that to no race under the sun has God given such a noble ancestry as He has bestowed upon America.

IN THE

AMERICAN REVOLUTION

BY
AINSWORTH R. SPOFFORD

AN ESSAY READ BEFORE THE
DISTRICT OF COLUMBIA SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION
APRIL IO, 1895

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IN

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HONORED by the invitation to address you upon the part borne by Massachusetts in the War of Independence, I deem it not inappropriate to preface my remarks by a rapid sketch of some of the conditions prevailing in all the colonies in the years immediately preceding the epoch of the American Revolution.

If we look through that most interesting historical period—the last quarter of the eighteenth century—we shall find in America an abundance of intellectual activity. By a long series of events and experiences, in the colonies and in the mother country,



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the minds of men had been prepared for independence. Many of the emigrants to America were exiles from political or ecclesiastical tyranny, whose decendants inherited those principles of strong selfreliance and hatred of arbitrary power which bore fruit in the revolutionary epoch. The isolation of the colonies, in an age before steam navigation had brought America near to Europe, contributed to weaken the influence of foreign ideas and associations, and to develop the power of domestic ones. By its own inherent energies, no less than by maternal unkindness, the child America was being gradually weaned from England. The democracy of the townmeeting, the union of neighborhoods against the Indians, the broad freedom of a virgin land, with its illimitable forests, the organized colonial legislatures, the birth of the newspaper, the wide diffusion of education, the liberty of the press—all conspired with their remoteness from the mother country to sow the seeds of independence. It is a notable fact, in our estimate of the complex influences which wrought out this great result, that the growing intellectual life of the colonies had gradually diminished

the once overshadowing prevalence of British books and British thought in America. From the first printing press, in 1639, at Cambridge, Massachusetts, to the end of the first year of the Revolution, in 1775. there were printed in the colonies more than 8,000 books and pamphlets. Out of this number, surprisingly few were of trans-Atlantic origin. Allowing for cases of doubtful authorship, and counting as American only the works actually written by residents in the colonies, I have found that about 7,350 of the total publications of the American press before the Revolution were of American origin, and only about 650 of foreign origin, or less than one in thirteen. This too, leaves out of account the writings of Americans actually published in London during that long period of pre-revolutionary activity. These would swell the lists of purely American books to a very considerable extent. In view of so pregnant a fact of literary history, the widely diffused notion that American ideas and their expression were all formed upon foreign standards, and that the colonies had no native literature. must be relinquished.

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pect from a people engrossed in the questions and agitated by the passions of a revolution, literary works which could claim admiration as literature. Works of fancy and imagination are rarely born amid the rude campaign, or the shock of battle, and great political controversies afford no place for the refinements of speech. The principal writers of the period under review were engaged, not in creating a literature, but in founding a nation. The serious problems, political and social, which confronted them, not only controlled their choice of subjects, but to a great degree influenced their style.

While the outbreak and progress of the revolution incontestably led to a great expansion of the human mind, that movement was felt rather in the field and the council, than in the closet or the schools. The war against England, which required for its successful prosecution great powers and distinguished talents, happily appeared to create and to foster both. Whenever the occasion arose, there were always found men worthy of the occasion. Those who had manifested no special commanding faculties in the piping times of peace, were found, under the rousing stimulus of war,

to possess a genius for action and for utterance which did signal service to their country's cause. Fired with the love of freedom, and animated by a lofty patriotism, men wrote with an energy and persuasive force hitherto unexampled in colonial literature. A certain magnanimity took the place of those narrow and sectional feelings which had too much prevailed before the Revolution. The people of the different colonies had known but little of each other, and unreasonable jealousies and discords were the fruit of this want of intercourse. The raising of the first Continental army was a great step toward union. Men organized to fight for a common cause, with a common leader, and against a common foe, came to look upon one another as brethren. But more powerful, doubtless. than this sentiment born of military union. was the feeling of the necessity of political union, urged upon the people with consummate power by writers and speakers who represented the best intellects and the ripest thought of the time. Indeed, in the contests of the American Revolution, as of so many other revolutions, there is little room to doubt that the pen was mightier than the sword.

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Great was the intellectual stimulus which the agitation of these momentous events contributed to the life of the people. They were not the listless consumers of a foreign literature, born in the dull age of the Hanoverian dynasty, but the Americans began to be independent of British thought, as of British institutions. The best writing of the time, rude but strong, had in it the free breath of the woods, and the flavor of the soil. The pens which championed the cause of the people against the monarchy were at their best when they forgot to quote. The energies of a hitherto divided and scattered people, now fast becoming nationalized, poured themselves forth in vigorous protests and appeals. The newspapers became energized with a new life, and the conspicuous idea of that life was the principle of self-government. The press became prolific in pamphlets, and instead of that great redundancy of sermons which characterized the printed literature of the century before the Revolution, there were more and more of political essays and discussions. The people read eagerly what was written earnestly, and published cheaply. More than 100,000 copies of Thomas Paine's

to be done with the bright to him the court force bod or or said to the "Common Sense" were sold, at eighteen pence a copy, a prodigious circulation for those days, and a most notable one for any political pamphlet now. The addresses and state papers of the Continental Congress were scattered in broadsides and newspaper "extras," and their signal ability in stating with convincing power the cause of colonial liberty amply justified the lofty eulogium of Chatham and the encomiums of Burke.

That the effect of the Revolution was to infuse new life and vigor into the national literature we have the testimony of Dr. Benjamin Rush, who wrote, soon after the close of the Revolutionary War,—"From a strict attention to the state of mind in this country, before the year 1774, and at the present time, I am satisfied that the ratio of intellect is twenty to one, and of knowledge as one hundred to one in these States, compared with what they were before the American Revolution."

In the political history of every people, it is of great interest to trace the origin of those safeguards to the liberties of the citizen which find expression in free nations in their fundamental law. Massachusetts has

the distinction of having been the first American Colony to enact a Bill of Rights, or a fundamental statute or constitution to guarantee certain liberties, privileges, and immunities to all the people. This remarkable document, styled "the Body of Liberties." was enacted by the General Court (as the Massachusetts legislature was always called) in 1641. It ante-dated, by nearly half a century, the famous "Bill of Rights," adopted by the Parliament of England in 1689, and went beyond that instrument in its assertions of popular freedom. It was not so much a supplement to English Law. as a substitute for it. Massachusetts, only twenty years after its first settlement at Plymouth, established a code distinguished for its justice and liberality, and far beyond what in that age had been attained in the polity of any nation. It sets out by declaring that no man's life, liberty, or property should be endangered but by virtue of an express law. It declares that no monopolies should be granted; that every man should have the right to take part in town meetings; that all men should have free right of removal; that no judicial proceeding should be vitiated by technical errors or

mistakes; that in all actions at law, the parties should have the right of jury trial, and of challenge; that all court records should be open; that representatives to the legislature should be chosen by the votes of all free-men; that every town should make its own local laws and regulations; and that the select men, or governing body of every town, should be chosen by a vote of the people. This free constitution, carried as it was, into practical effect in every town, planted seeds which bore abundant fruit in the great after-struggle for American liberty.

The patriotic devotion which inspired all the American Colonies in the inception, the progress, and the final triumph of the War of Independence was nowhere more conspicuous than in Massachusetts. To the intellectual resources of her sons were conjoined a spirit, a courage, and a zeal for liberty, which made an indelible impression upon the whole country, and still shine upon the page of history. It was upon Massachusetts soil that the first blood of the Revolution was shed; and it was from her patriotic sons that the earliest protests against arbitrary power were heard, although

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in other colonies the agitation for absolute independence from Great Britain was quite as early as in Massachusetts. The three leading capital cities of the country were successively captured and held by the British army. Boston was the first of these: but the stubborn resistance of the Massachusetts soldiery, and the splendid generalship of Washington, forced the evacuation of Boston after a much briefer occupation by the British than befell her sister cities, New York and Philadelphia. All the military events which occurred on Massachusetts soil—important and ever memorable as they were—took place during the first year of the Revolution. Other regions witnessed more decisive battles, and continued for a much longer time, the immediate theatre of war: but Massachusetts soldiers marched or sailed to every colony, and bore their part in every important battle, from Bunker Hill down to Yorktown. Out of twentyone Major-Generals chosen to command the American armies, during the eight years struggle, six were of Massachusetts. or nearly one-third of the whole number; and ten out of the forty-nine Brigadier-Generals appointed belonged to the same gallant

and patriotic State. And in the rank and file of the Continental army, out of an aggregate of 37,363 men enlisted in 1775. 16,449 (or nearly one-half) were Massachusetts men. This is not remarkable, in view of the fact that the first military preparations had to be made in the colony first occupied and attacked by British soldiery. But at later periods of the war, the soldiers of the Old Bay State were found as vigorously fighting for their compatriots in other colonies, as for their own homes and firesides. Thus, in 1777, long after the evacuation of Massachusetts by the enemy, we find that 12,591, out of 68,720 troops enlisted, were from Massachusetts; being a larger number than any other state contributed. same lead was maintained throughout the war, except in 1779 and 1780, when Virginia's soldiers and military actually in the field exceeded those of Massachusetts by a few hundred, while in 1782 (which witnessed the virtual close of the struggle), Massachusetts put 4,423 men in the field. out of a total of 18,006 in the Continental Army, Virginia having only 2,204 at the same period.

As the first military resistance to British

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power occurred in Massachusetts, so, the first moral and political revolt against British oppression had its birth in the same colony. Some years before the odious Stamp Act, with the enactment and repeal of which the continent resounded, came the earliest opposition to arbitrary power. In 1761, attempts were made to enforce collection of a tax of six pence a gallon on molasses, by a summary process styled "Writs of assistance." This writ invested the revenue officers of the Crown with plenary powers of search and seizure, and became most odious to the people. At a judicial hearing, lames Otis argued against this oppression with all the resources of his great and powerful mind. "I am determined, to my dying day," said he, "to oppose all such instruments of slavery on the one hand, and villainy on the other, as this Writ of assistance is. I argue in favor of British liberties, against a power, the exercise of which cost one King of England his head, and another his throne. Reason and the Constitution are both against this writ. No act of Parliament can establish such a writ; for every act against the Constitution is void."

This great speech of James Otis, said John Adams, "breathed into this nation the breath of life. With a depth of research, a profusion of legal authorities, a prophetic glance of his eyes into futurity, and a rapid torrent of impetuous eloquence, he hurried away all before him. American independence was then and there born."

So far John Adams. But neither the logic nor the eloquence of Otis availed to turn aside the purpose of a government bent upon levying taxes upon its colonies, by whatever means. Writs of assistance were issued whenever the King's revenue officers asked, and no redress was found in a subservient judiciary against the wrongs perpetrated in the name of the law. The obsequious Judge Hutchinson (afterward the royal Governor of Massachusetts), though a native of the province, took sides with power against his countrymen.

Then followed the Stamp Act of 1765, which laid a direct tax upon all the business transactions of the people, and made all violations of it subject to Admiralty jurisdiction, without the right of trial by a jury. This odious measure was received with consternation, mingled with indignant pro-

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tests, in every colony. It was denounced as a tyrannous imposition, levying taxation without representation, for the colonies were not permitted either to tax themselves by their own legislative bodies, which existed in every province, nor to send representatives to the parliament of England. It deprived British subjects in the colonies of rights heretofore always enjoyed, and struck down at one blow all the muniments of British liberty.

It was this act, followed the same year by the mutiny act, which authorized the billeting of soldiers in private houses, which raised a storm in the colonies, re-echoed by the liberals in Parliament, and led to the repeal of the Stamp Act. It did more; it produced the first movement ever made looking to a union of all the colonies in self defense. In June, 1765, James Otis proposed, and the legislature of Massachusetts voted, to invite a meeting of committees from the legislatures of the several colonies, "to consult together on the difficulties to which they were reduced by the operation of the late acts of Parliament." This movement, originated, to her immortal honor, by Massachusetts, and earnestly seconded by

all the southern colonies, brought about the first American Congress, which assembled at New York in October, 1765.

It is very noticeable, that during the ten years ensuing, while the public mind of the American colonies was slowly ripening toward independence, all classes of opinion still rested firm in the conviction that they were British subjects. As British subjects, the Tories declared their obligation to submit to King and Parliament; and, as British subjects, the patriots protested their rights to all the liberties of Englishmen. None were as yet found who held to a separation from the mother country, even in idea. Still, the persistent injustice of England awakened more and keener resentment as time rolled on. The repeal of the Stamp Act soon gave place to new impositions. Heavy duties were laid upon glass, paints, and paper, and a tax of three pence a pound on all tea imported into the colonies. Massachusetts soon met the crisis by resolving to use none of the articles tainted by an unconstitutional tax. "We will form one universal combination," said the men of Boston, "to eat nothing, drink nothing, and wear nothing imported from Great Britain."

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To those who marvel at the excited resistance made by these colonists to a trifling tea tax of six cents a pound (a rate of duty on that article often exceeded in both countries since), it must be suggested that the recusant people were not protesting against the tax, but against the manner of its imposition. The measure of Massachusetts patriotism was not the three-penny standard of the tax—it was the absolute unconstitutionality of any tax at all. They acted after the principle laid down in that immortal verse of Shakespeare:

"Rightly to be great, Is not to stir without great argument; But greatly to find quarrel in a straw, When Honor's at the stake."

The honor of every British subject in America was bound up in the right of their duly constituted legislative assemblies to levy all the taxes, whether for the Crown, or for the colonists themselves. The wives and daughters of Massachusetts resolved to drink no more tea; and the papers of the day declared that "whoever shall purchase and use that article will drink political damnation to themselves."

The spirit of freedom was too rife in

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colonial assemblages to be long tolerated. The legislatures of New York and Massachusetts were dissolved by the royal governors, followed by the proroguing or dispersion of those of other colonies. Massachusetts quickly acted: the Boston committee called on the towns to send delegates to a convention in Faneuil Hall. Ninety-six towns, nearly every one in the province, were represented, and in September, 1768, reauested the governor to convene the constitutional assembly of the colony. refused to receive their petition, declared that they had committed treason, and warned them to disperse, or they should be made to repent of their rashness. convention disregarded the insulting message, issued their protest against taxation by Parliament, and against a standing army, renewed their petition to the King for redress of grievances, and adjourned after a six days' session. It was a great moral victory, felt throughout the colonies, and even as far as the court of St. James.

It was not in the nature of things that peace and quiet should long continue between an oppressed and exasperated people, and a hireling soldiery quartered constitution of the speed arew dis-

among them. The Boston Massacre of 1770 soon followed, and the streets of an American city were for the first time stained with blood, wantonly shed by the armed minions of power. After the excitement of this event, the forbearance of the citizens was once more evinced when the acquittal of the soldiers took place, on insufficient evidence.

But the coming revolution grew. Governor Hutchinson had again refused to call the assembly of the province together, and haughtily denounced the town meetings which assembled to discuss public matters. By denying this right, he directly impeached the institution of town governments, one of the oldest and most sacred rights of New England, firmly entrenched in the customs and the democratic sympathies of the people.

At length, in November, 1772, Samuel Adams proposed that great patriotic measure, a "Committee of Correspondence," of twenty-one members, to state the rights of the Colonists, and to communicate regularly with every town in Massachusetts by letters of advice and mutual counsel. Thus was founded that political co-operation which led by steady growth, and extension

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through other colonies, to the union of scattered efforts and energies into a firm confederacy of patriotic men, dedicated to one common aim.

Immediately, the answers of the towns of Massachusetts to the masterly statement of grievances sent out from the central committee came pouring into Boston. The original manuscripts of these unique and stirring memorials of the heroic age in American history formed one of the most precious portions of the historian Bancroft's library. Here are a few brief examples of the free spirit that breathes through these documents of a hundred and twenty years ago.

The people of Fitchburg declared that "Liberty is a most precious gift of God our Creator to all mankind, and is of such a nature that no person or community can justly part with it." The town of Leicester thus spoke: "We prize our liberty so highly, that we think it our duty to risk our lives and fortunes in defense thereof." Marlborough put on record its sentiment that "death is more eligible than slavery." Shirley's inhabitants declared—"we will not sit down easy until our rights and liberties

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are restored." Gloucester resolved—"when the civil rulers betray their trust, and abuse the power the people have reposed in them, they forfeit the submission of the subjects; and to oppose and resist in that case is not to resist an ordinance of Heaven." And there came from Brooklyn, Connecticut, town meeting, presided over by Colonel Israel Putnam, these stirring words: "Those rights and privileges which were obtained by our worthy ancestors at a great sum, we will maintain inviolate, even at the risk of our lives and fortunes, in spite of the united combination of earth and hell."

Samuel Adams, among whose papers these relics of the times that tried men's souls were preserved, wrote of them—"By means of a brisk correspondence among the several towns in this province, they have wonderfully animated and enlightened each other.

* * * An empire is rising in America; and Britain, by her multiplied oppressions, is accelerating that independency which she dreads." The high-minded and eloquent Joseph Warren wrote, "The mistress we serve is Liberty, and it is better to die than not to obtain her."

Then came those days of stress and storm,

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of sore trial and conflict, whose history is familiar to you all; the days of the shutting up of the harbors of Massachusetts, by the Boston Port Bill; of the outlawry of Hancock and Adams; of the threatened dragging of Massachusetts patriots to England for trial: of the sending out of regiment after regiment of British troops to coerce obedience; of the suffering and want of Boston in its beleaguered state; of the sympathy and solid gifts of the other colonies,—Connecticut sending her a thousand sheep, all New England wheat, corn, and cattle, and Fairfax County. Va., a liberal gift of money, Geo. Washington heading the subscription with fifty pounds; of the meeting of the first Continental Congress at Philadelphia, in 1774; of the arming in the country districts throughout Massachusetts, at the urgent instance of the Committee of Safety; of the seizure by British troops of colonial arms and powder; of the first bloody skirmish of the Revolution at Lexington and Concord: of the excitement and exasperation which spread like wildfire through the country; of the resolve of Massachusetts to raise immediately fourteen thousand men; of the sanguinary Bunker Hill battle, lost by the Americans after that

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brave and stubborn fight, inflicting upon the British losses which more than doubled their own; of the military measures of Congress, and its election of General Washington as Commander-in-Chief; of his long and patient struggle with obstacles of every kind. want of discipline, want of money, want of powder, want of tents, want of supplies. military jealousy, envy, and insubordination; of the perilously short enlistments, constantly exchanging veterans for raw troops, a mischief felt all through the war; of the discontent of Congress that the enemy were not speedily driven from Boston; of the dignified and temperate replies of Washington, showing that he had maintained his post in the face of the enemy for six months without powder, holding the twenty regiments of the British cooped up in Boston; of the anxiety of the whole country for some decisive stroke; of the greater anxiety of Washington, in the lonely night vigils in his ill-provided camp; of his invincible faith and courage, inspiring his troops with his own resolute spirit; of the exodus from Boston of almost all its inhabitants except the Tories, till there were left in the city but six thousand Americans, with and the state of the state of

nearly 10,000 British troops; of the ceaseless activity and vigilance of Washington, enforcing order and discipline in every part of his camp; of his consummate skill and dispatch in fortifying the heights of Dorchester in a single night, thus rendering the town of Boston untenable by the enemy; of the speedy result of this strategic movement, in the complete evacuation of the city by the British army; and of Washington's transfer of his command to New York, after expelling the enemy from New England.

Read the history of America's first campaign in the fascinating pages of Bancroft, the idealist historian, who, if he sometimes mingles an optimistic philosophy with his facts, portrays the march of events in a style at once classic, full, and picturesque.

The fixed purpose of the British government to conquer America soon transferred the theatre of war from Massachusetts soil to the central and southern colonies. There were repeated on a larger but not more devoted scale, the heroic struggles which had marked the conflict in the old Bay State. Let us borrow a few felicitous words from the eloquent speech of Daniel Webster in the Senate of the United States, in 1830.

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"Mr. President, I shall enter on no encomium upon Massachusetts—she needs none. There she is:—behold her, and judge for yourselves. There is her history: the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill—and there they will remain forever. The bones of her sons, fallen in the great struggle for Independence, now lie mingled with the soil of every State, from New England to Georgia; and there they will lie forever."

And thus he paid the meed of honor to Massachusetts and the southern colonies:

"Shoulder to shoulder they went through the revolution—hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support."

Let me now recall, in the briefest manner, the characteristics of some of the patriots and writers of Massachusetts, whose intellectual force made them conspicuous leaders in the great contest of the American colonies for self-government.

John Adams will ever stand out as one of the most illustrious of the men who made

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the Revolution, and whose character gave it permanent success. His copious writings, while not free from the faults which marked his strong individuality—vehement, ardent, and hasty—were nevertheless most influential factors in moulding the public opinion of his time. The leading part taken by him in the Continental Congress, where his eloquence was "as a flame of fire," has been well described by Webster, whose magnificent paraphrase of Adams's expressions in favor of independence, expanded into the speech in defense of the immediate declaration, leaves little to be desired by the student of oratory.

The lofty eloquence of Josiah Quincy, whose "Observations on the Boston Port Bill" (published in 1774) did much to concentrate the opposition of New England to Great Britain, was heard in 1773 in Faneuil Hall: "It is not, Mr. Moderator, the spirit that vapors within these walls that must stand us in stead. The exertions of this day will call forth events which will make a very different spirit necessary for our salvation. Look to the end. Whoever supposes that shouts and hosannas will terminate the trials of the day entertains a childish fancy."

THE REPORT OF THE WHITE CANADA SERVICE

Samuel Adams was a pillar of strength to the popular cause, as well by the power of his writings, as by the nobility of his character. His "Statement of the Rights of the Colonists" (1772), and his pamphlet, "The True Sentiments of America" (1768), are

clear and forcible pleas for freedom.

Of the earliest champions of American liberty, James Otis, of Massachusetts, was one of the foremost. Endowed with a powerful reason, and gifted with brilliant eloquence, he spoke and wrote with a masterly energy which drew forth the admiration of strong men, like John Adams, while his "Rights of the British Colonies Asserted and Proved" (1764), was the first great literary effort in behalf of what afterwards became independence. With logic the most convincing, and eloquence the most fervid, he set forth the constitutional rights of the people of all the colonies to self-government.

General Joseph Warren, whose early death at Bunker Hill filled Massachusetts with mourning, was of the true race of patriots. High-minded, chivalrous, modest, and brave. his stirring eloquence added a charm to his personality which drew to him the admiration of the people. He early prophesied

that the connection with the mother country must sooner or later end, and he was singled out by British hatred as "leader of the rebellion." He wrote to Josiah Quincy, in 1774, "Great Britain may depopulate North America; she never can conquer the inhabitants." Volunteering as a private in the ranks, his lofty spirit went instantly from the scenes of earth, amid the roar of the cannon at Bunker Hill, repeating almost with his last breath the words of the Roman poet—"it is sweet and honorable to die for one's country."

Joseph Hawley, of Northampton, was one of the earliest, ablest, and most determined champions of the rights of the American colonies. In the assembly of Massachusetts, in 1766, Hawley declared, "the Parliament of Great Britain has no right to legislate for us." This was the first denial in a colonial legislature of the power of Parliament. And in August, 1774, Hawley wrote to John Adams—"After all, we must fight!" This ante-dated Patrick Henry's famous utterance of the same words in the Virginia Convention of March, 1775, by six months. Mr. Adams relates that he read Hawley's letter to Patrick Henry in Con-

gress: Henry listened with great attention, till the climax was reached, "we must fight," and then he broke out—"By God, I am of that man's mind!" "I considered," adds Mr. Adams, "that this was a sacred oath, upon a very great occasion." No thought of profanity entered into it. I refer to this incident here not so much to hint priority of the utterance of the Massachusetts patriot over the patriot of Virginia; Henry's lofty soul had no need of the inspiration of other men; but I cite it to show how heart leaped to heart, when the supreme hour approached, and the sword of the sons of liberty was thrown in the balance, against the last argument of Kings.

I should fail in discharging the duty of the occasion, were I to omit mention of the part borne by the noble and patriotic women of Massachusetts during the Revolutionary struggle. Only the briefest notice can here be made, as time is wanting for any detail.

Abigail Adams, wife of John Adams, was of the Quincy stock, and was a close student from early childhood: Married in 1764, the outbreak of war brought to her home many fears and privations, for her husband was a proscribed man. Her keen sympathies were

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continually drawn upon. When Adams went to the Congress at Philadelphia, the copious and intimate correspondence which passed between the husband and wife forms one of the most interesting and instructive chapters in the history of the times.

Mrs. Adams's sister, Mrs. Peabody, was a devoted patriot, who thus wrote to John Adams during the height of the revolutionary struggle: "Lost to virtue, lost to humanity must that person be, who can view without emotion the complicated distress of this injured land. Oh! my brother, oppression is enough to make wise people mad."

Mrs. Lucia Knox, wife of a Massachusetts Major General, who afterwards became Washington's first Secretary of War, was of an aristocratic lineage. She left her parents, who were Loyalists, and who wished her to marry a British officer, to wed the Boston bookseller, whose fine person and quick intelligence had captivated her, and who soon after became General Knox. She had a strong and well cultivated mind, joined to much beauty, fascinating manners, and a sanguine, cheerful temperament. Gen. Knox, it is said, often deferred to his

wife's judgment, regarding her as a superior being; and even Washington was impressed by her character and manners. She was one of the few officers' wives who followed the army in frequent camp visits. On the British occupation of Boston, Mrs. Knox escaped with her husband, and joined the American army at Cambridge, having Gen. Knox's sword concealed by quilting it inside the lining of her cloak. That, surely, was a wife well worth having, to a soldier and a patriot. The point of this incident becomes obvious, when we recall the fact that arms were most scarce and precious in that year of grace, 1775.

Mrs. Dorothy Hancock, whose husband's immortal name is writ large at the head of the signers of the Declaration of Independence, was the daughter of Edmund Quincy, and a lady of taste, elegance and fashion. She shared the many honors, as well as the trials of her proscribed husband, and was a fugitive from Concord when the fight of the embattled farmers was going on—

"Who fired the shot heard round the world."

Hancock was himself that day a hunted fugitive.

Mrs. Mercy Warren, in whose honorable

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and cherished name Massachusetts takes just pride, was the sister of James Otis, the illustrious patriot of Boston. Her early addiction to study gave her a phenomenal fame in the province as a scholar. Her copious writings are full of classical allusions, contributing much to the quality of their learning, while not always adding to their attractiveness. She was a most ardent patriot through all the Revolutionary struggle, and among her correspondents were lefferson, both the Adamses (John and Samuel), Elbridge Gerry, John Dickinson and Gen. Knox. Her sympathies were keen, and she sheltered and aided many of the sons of liberty at her house. Her "History of the American Revolution," published in 1805, in three volumes, is her chief literary work.

But my discourse must end, with a word of grateful recognition of the useful labors of your association, in recalling the minds of the men of to-day from their easy and uneventful lives, to the commemoration of the arduous struggles, privations, and sufferings of those who wrought out the revolution. It is to them that we owe the assertion and the maintenance of American Liberty. They laid broad and deep the

the state of males and the TOTAL TOTAL PROPERTY OF THE PARTY OF THE PAR the subject to the man and a says the the in an street with the many ment to make the assert to apply foundations of a government which transferred America from the sovereignty of kings, to the sovereignty of the people. They braved every danger, endured every trial, sacrificed fortune, comfort, even life itself, teaching to posterity the sublime lessons of endurance and self-denial. They illustrated the lines of the oriental poet:—

"Though love repine, and reason chafe, There came a voice without reply— "Tis man's perdition to be safe, When for the truth he ought to die."

We are apt to boast of our advanced civilization, our intellectual enlightenment, our superior accomplishment in all the arts of life. But are there no shadows in the bright picture of modern progress? Is there no danger in the march of luxury, and the worship of wealth? If our republic is to outlast those of Greece and Rome, once so splendidly endowed with arts, refinement and genius, but now, alas! numbered among the things that were, we must avoid their errors. We need to cultivate less of the lower aims of life, and more of that spirit of high resolve, of devotion to duty, that iron in the blood, which made our forefathers what they were. If it were given to us to

open the seals of the undiscovered country. if we could now hear the voices of Otis. and Adams, and Warren, and Quincy, and Washington, and Jefferson, and Henry, what would be the counsel of those illustrious Americans of the past, to us Americans of to-day? Would they not admonish us— "Be true to your great inheritance: have faith in your country; build your institutions on the firm foundation of public justice and private virtue: Stand up to the stature of God's image that is in you: then shall your republic succeed: then shall you stand. a fulfillment of the prophecy of all noble hearts,—a revelation to the ages of the greatness and the brotherhood of man."







STATE SOVEREIGNTY

RECORD

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MASSACHUSETTS.

BY

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PREFATORY.

RICHMOND, VA., November 15, 1872.

S. S. Dawes, Esq., Norfolk, Va.,

DEAR SIR:—You doubtless recollect the conversation I held with you a short time ago, in which I casually mentioned to you some of the evidences I had gathered of the diametrically opposite positions which the State of Massachusetts has held on the subject of State Sovereignty in two distinct periods of her history; and that you then suggested to me the expediency of putting these evidences together in some durable form for the information of the reading public of the South, and peradventure of some of the Northern people.

Reflecting on what you said, I at last decided to act on your suggestion, and, accordingly in the form of a letter to yourself, have thrown together, in the following pages, some important and ineffaceable facts in the political record of Massachusetts, which I have here and there interspersed with a few comments and reflections of my own naturally suggested by those facts.

That I should publicly address the following pages to yourself I consider especially appropriate, because it was from your own suggestion the work has been written, and because of your well known consistent and unchangeable devotion to the political truths for which our Revolutionary forefathers successfully contended, and who little thought that those truths and the system of government they adopted, were to be ruthlessly overthrown and scornfully trampled under foot ere the lapse of one short century after their vast sacrifices and Herculean efforts in the cause of free government.

With sentiments of the highest esteem, I am, Dear Sir, very truly, your friend,

A SON OF NORFOLK.

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Table of Freata, Omissions and Insertious.

Page 3, line I2.-Insert "the" before "freedom."

Page 5, line 35.—Change "a" into "e" in the word "independent."

Page 6, line 13.—Change "1775" into "1793."

Page 10, line 4.-Insert "t" in the word "Harford."

Page 11, line 31.—Insert "as above described" after the word "confederacy."

Page 11, line 37.—Change the first "as" into "so."

Page 16, line 23.-Strike out the word "for."

Page 20, line 24.-Change "McBeth" into "MacBeth."

Page 20, line 31.—Insert "the" before "above."

Page 23, line 2.—Insert "of other" after the word "record."

Page 23, line 7.—Transpose the letters "i e" in the word "soveriegnty."

Page 24, line 1.-Insert "of 1789" after the word "confederacy."

THE STATE--SOVEREIGNTY RECORD OF MASSACHUSETTS.

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RICHMOND, VA:-November 13, 1872.

S. S. Dawes, Esq.,

Norfolk, Va.,

DEAR SIR:—I have noticed in a recent number of the Boston Advertiser, (a Republican Journal,) some editorial comments on the results of the late Presidential election; and among those comments I was particularly struck by this remark of the editor, (as if he were announcing an event of great public benefit,) viz:

"STATE SOVEREIGNTY IS DEAD,"

What a melancholy, deplorable fact, what a commentary on the rapid pólitical degeneracy of the American people in the short space of ninety-six years it is, that, in any quarter of the Union, an exponent of the opinions of the dominating and most numerous party can now be found exulting in so awful a public misfortune as the destruction of the means and support of freedom of local government, the great right for which among others, the fathers successfully fought, and established with the most jealous care on, as they thought, the firmest of foundations.

But if State Sovereignty is dead, who killed it? Surely not the people of the South; for they, as the whole world knows, fought to sustain it. If it was one of the most prominent features of the compact between the States, the very corner stone of the Constitution and Union, then they who overthrew it, if at the time living under it, were revolutionists, and therefore rebels; and the Advertiser thus, by its own dictum, convicts the people of the North of being the real rebels in the late war between the States.

Was it indeed the corner stone of the Constitution, or a myth which in reality never had any support or basis in the Constitution, as the despotic party which now rules the country, actually asserts and affects to believe? In order that objection, on the score of latitude, may not be made by our "enemics," (Boutwell meo auctore for this expression,) if I should introduce Southern testimony for the solution of this ques-

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tion, I will therefore eite *Northern* witnesses to the stand, and in fact Massachusetts only, saving one or two brief exceptions.

When the present Federal Constitution was placed, as it originally came from the hands of its framers, before the people of Massachusetts, in Convention in 1788, for acceptance or rejection by them in their own separate behalf, as they in their full, separate, and absolute sovereignty might see fit to do, they, (disapproving of it as it then stood,) yet accepted and ratified it, with the confident expectation however and a clear understanding from the friends of the Constitution, that the following (among others) important explanatory declaration, (then drawn up and proposed by Massachusetts herself,) should speedily be added to and become an Article of the Constitution; viz: (and these are her own words,) "That it be explicitly declared that all powers not expressly delegated by the aforesaid Constitution, are reserved to the several States, to be by them exercised."

Massachusettts saw, when the Constitution was first laid before her in the condition in which it had come from the hands of its framers, that if not amended in the mode indicated by her proposed declaratory article, the artful lovers of power and prerogative might and doubtless would, as time wore on, endeavor to establish, from the general tenor of the Constitution as it had come from the hands of the framer, that the people by their ratifications had merged their several separate State sovereignties into, what has since proved to be that capacious reservoir of power, the General Government, and had thus voluntarily instituted and intended to institute one great perfectly-sovereign political community called "The People of the United States." To prevent any chance of this, Massachusetts provided for the addition to the Constitution of her "explicit" declaration, (in which she inserted the word "delegated" to preclude the idea even of alienation,) and, as it were, stipulated for that addition by formally appending the declaration to her own ratification of the Constitution when she sent the latter to Congress. So much opposed was a large portion of her State Convention to ratifying the Constitution before her proposed amendments should be added to it, that, out of three hundred and fifty five members composing it, only one hundred and eighty seven could be persuaded to vote for ratification without the addition of the amendments prior to ratification; and the larger portion of those who did vote for ratification voted thus because of assurances made to them that the Constitution should be amended without delay.

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years past in a grave and important work, unblushingly stated, in the face of Article VII, of the Constitution itself, (which says: "The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same,") and in direct contradiction of the Tenth Amendment and of the well known and recorded facts of the case, that the people of the United States, as one people, one consolidated political community, ordained and established the Constitution, and vested Congress with the sovereign powers it exercises.

Thousands of otherwise well informed people at the North who have read Motley, but who have not studied the Constitution for themselves nor investigated the facts of its history and the concomitant political history of the several political communities concerned in framing it and putting it in operation, religiously believe his utterly unfounded dictum on this subject.

But to go back to Massachusetts' "explicit declaration." In accordance with her desire and with that of some of the other States, this declaration was, in fulfillment of the assurances that had been made, proposed by Congress, at its first session under the present Constitution. to the several States as an amendment to the Constitution, and, as soon as the necessary legal forms could be gone through for the purpose. (to-wit in 1791,) it became a declaratory Article of the Constitution now known as the Tenth Amendment or Article; and thus, as an authoritative commentary on the Constitution itself, it definitively and. as was then supposed, forever settled the question of State Sovereignty, and decided that the Government of the United States possessed no original underived, inherent sovereingty of its own, or represented any such sovereignty as existing in one consolidated political community, but was the more recipient only of the right to exercise, for the benefit of the States, a certain few specified "powers" of sovereignty that were only "delegated" (not alienated) to it by the several really sovereign parties to the compact, viz: the States, who each separately and for itself looked to no Constitution whatever (State or Federal) and to no earthly power outside of itself for the warrant of its own inherent and underived, independant sovereignty.

This was the first step, so far as the present Constitution of the United States is concerned, that Massachusetts took to assert the existence of and to provide a Constitutional guarantee for the security of State Sovereignty; and notwithstanding her recreancy in recent years and at present from her earlier grand and prominent position in these matters, she yet will deserve the gratitude of posterity, (should

State Sovereignty be ever again recovered,) for her noble and successful stand in this behalf in the earlier days of the Republic.

Massachusetts again stood forth the vindicator of State Sovereignty, when by the mouth of Judge Sullivan, her Attorney General, and afterwards Judge of the Supreme Court and Governor of the State, she said, (in 1791,) of the present Federal Constitution, that it was "a compact between the States," being a repitition of her more solemn and authoritative declaration of 1788, recorded in her act of ratification of the Constitution, where she terms it "an cxplicit compact "as if intending to indicate by the use of the word "explicit" that it was expressed too plainly to be susceptible of more than one interpretation.

A third time did Massachusetts put in an appearance in energetic and successful defence of State Sovereignty, when in 1775, her Governor, John Hancock, and her Attorney General, James Sullivan, were summoned by the U.S. Marshall to appear in court and, as the representatives of the sovereignty of Massachusetts, to answer to a suit of a citizen of another State. The Governor refused to obey the summons, although the Constitution provided for just such cases, and authorized this citizen to sue Massachusetts. The Governor forthwith summoned a meeting of the Legislature; and in his opening speech to them he said, "I cannot conceive that the people of this Commonwealth, who by their representatives adopted the Federal compact, expected a State would be held liable to answer a cumpulsory civil process to an individual of another State or foreign kingdom." He also said that a "consolidation of the States into one government would endanger the nation as a Republic, and eventually divide the States now united, or eradicate the principles for which we have contended," meaning the principles fought for in the then recent Revolutionary War. Did he in prophetic mood then look forward to the present time and predict the wonders that now are being, and for the last eleven years have been enacted in this-what shall I call it? certainly not, Republic.

In view of the exigency in which the Legislature of Massachusetts thus found their State, they passed on the 27th September, 1793, the following resolution, viz:

"Resolved, That a power claimed of compelling the State to become a defendant at the suit of an individual or individuals, is unnecessary and inexpedient, and in its exercise dangerous to the power, safety, and independence of the several States and repugnant to the first prinples of a Confederate government."

Accordingly, to prevent the chance of any other attempt at offering such an indignity to a Sovereign State, Massachusetts again proposed

a farther amendment to the Federal Constitution as an additional guard and guarantee of State Sovereignty, and it was adopted and is now known as the Eleventh Amendment. John Hancock, James Sullivan, Samuel Adams, Doctor Jarvis, Nathan Dane and many other great and leading men of Massachusetts took a very active and energetic part in this successful vindication of State Sovereignty.—[Fow!er.]

We see here that this State was then so determined to entrench State Sovereignty in an impregnable position, that she actually proposed and procured the annulment of an original provision of the Constitution, viz: that provision in Section 2d, of Article III, which empowered a citizen of any State to sue any other State. And there to this day does that provision stand in the Constitution, a dead letter, forever void and of no effect, and utterly killed by the procurement of Massachusetts alone in her persistent efforts to guard securely and firmly establish the great controlling feature of the American system of Federal Government, State Sovereignty.

Again did Massachusetts stand up stoutly for the firm establishment of State Sovereignty, (although in this instance, I go backwards in my chronology of her noble persistence,) when through the voice of the great Samuel Adams, who was afterwards Lientenant Governor of the State, she said, (in her ratifying convention of 1788,) of the declaratory amendment before referred to, that it "was consonant with the Second Article in the present (meaning the then existing first) confederation, viz: that each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this confederation expressly delegated to the United States in Congress assembled." Observe just here particularly, that Samuel Adams by claiming the Tenth Amendment of the present Constitution to be the equivalent of the Second Article of the first Constitution, plainly claims that the sovereignty itself resides in the States, not the States collectively, but separately in "each" State, and that certain "powers" of sovereignty, (that is to say, not the sovereignty itself but the right to exercise certain powers thereof,) are only "delegated," not alienated to Congress. This is just what the Tenth Amendment in the present Constitution asserts, and was intended, (on the motion of Massachusetts herself made out of abundant caution,) to declare.

When Samuel Adams was appointed Lieut. Governor, (John Hancock being Governor,) he said, referring to his induction into office, "I shall be called upon to make a declaration, and I shall do it cheerfully, that the Commonwealth of Massachusetts is and of right ought to be a free sovereign and independent State. I shall be called

upon to make another declaration with the same solemnity, (his oath,) to support the Constitution of the United States. I see no inconsistency in this." Nor needed he to have seen it; for, while Massachusetts should choose to remain in the Confederacy, she herself, and therefore her State officers, would be in law and in honour bound to observe the terms of the compact. But there would have been very great inconsistency in his making these two declarations at the same time, if the "United States in Congress Assembled" were not the mere governmental agency of a Confederacy, but were the representatives of one consolidated political community having original, inherent sovereignty of its own. Thus in these utterances of Samuel Adams, did Massachusetts for the fifth time declare State Sovereignty to be the corner stone of her political creed.

For the sixth time did this State declare her belief in State Sovereignty on the occasion of the Embargo, (declared in December 1807,) when it was well understood that not very long after the declaration, she intended forcible resistance and secession if it should not be speedily repealed. When the Embargo was laid, it so enraged the people of Massachusetts and of other New England States that a convention of delegates from those States to meet in New Haven was proposed and intended.-[Fowler.] John Quincy Adams writing to Mr. Gles, of Virginia, on this subject urged that "a continuation of the Embargo much longer would certainly be met by forcible resistance supported by the Legislature (of Mass.,) and probably by the judiciary of the State." And he added to the foregoing thus: "That the object of the leaders had been, for several years, the dissolution of the Union, and the establishment of a separate Confederation, I know from unequivocal evidence." [See Niles' Register, Vol. XXXV, p. 138.] Here we have Massachusetts giving to South Carolina at an early day emphatic lessons in the art of threatening, and, under certain contingencies, in the purpose of performing not only mullification but secession.

In consequence of this apprehended foreible resistance and, if not actual, yet threatened sccession of New England, led on by Massachusetts, the Embargo was repealed on 1st March, 1809, just before the retirement of Mr. Jefferson from the Presidential office.

For the seventh time did Massachusetts, true to her early State-Rights record, assert the independent sovereignty of the States and the metely confederative character of the Union, when in 1810, in reply to a communication from the Governor, her Legislature said: "The allegiance they owe to the Commonwealth as a Sovereign, Independent State," &c., and in the same reply added, "this Commonwealth forms an im-



portant member of the National Confederacy."

In 1812 we find this State for the eighth time standing up stoutly and defiantly towards the General Government in vindication of her independent sovereignty. On the 18th of June, 1812, war was declared by the United States against Great Britain almost solely in the interest of Massachusetts and other New England States. When, soon after this declaration, a requisition was made by the General Government, in pursuance of authority given by the Constitution, on Governor Strong, of Massachusetts, for forty-one companies of infantry and artillery, he, taking the position that he was the representative of an Independent Sovereignty, endued with the right of judging of the righfulness of the requisition, positively refused to furnish the troops called for, He officially communicated this refusal to the Legislature of his State, and that body as well as the people of the State approved his course, [See Mass. Reports, Vol. VIII, p. 548.]

In the war of 1812-15, we find this State for the ninth time standing out in the bold assertion of her sovereignty, and doing this too by an overt act. During the progress of the war, [Fowler] her Legislature passed a law directing the jailers of the State jails "to discharge at the end of thirty days all British officers captured in the war, and who had been committed to their custody for close confinement," if not removed before the end of the thirty days. If the people of Massachusetts were not a distinct independent sovereignty, holding that sovereignty as older than, and not deriving its existence from the Federal Constitution, nor from the fiat of any sovereignty or power outside of themselves, but on the contrary were only a mere fraction of one great political community of original and inherent sovereignty, viz: the so-called "People of the United States," then, beyond all, peradventure, this legislative act was, according to the position taken in the late war by Massachusetts herself, not the act of any legislature whatever, but the unauthorized proceedings of a combination of insurrectionary individuals; and those persons who pretended to be the State Legislature, and all persons supporting them in this matter were traitors and amenable to all the pains and penalties of treason against the United States for "adhereing to their enemies and giving them aid and comfort,"

In the remonstrance of the Legislature of Massachusetts to Congress, of 14th June, I813, this State for the tenth time adhered to her State Sovereignty doctrine, when she says in that remonstrance, "If any extensive Confederate Republic is to be maintained, and we fervently pray it may, it can only be by a free communication of the grievances felt," &c., and so on, to the end of the remonstrance.

The eleventh instance of this State's consistent faithfulness to the doctrine of State Sovereignty occurred in December, 1814. In that month and year the New England States, with Massachusetts as their leader, met in Convention in Harford, Connecticut, with what has been always well known, the intention of preparing for secession from the Union under certain contingencies. After deliberations running through the space of three weeks, the Convention made a report, which the Legislature of Massachusetts approved of by a strong vote, and appointed a committee to report on the doings of the Convention. This Committee reported as follows: "The Committee cutertain a high sense of the wisdom and ability with which this Convention have discharged their arduous duty, and while they maintain the principle of State Sovereignty, and of the duties which citizens owe to their respective State governments," &c. In this report they term the Federal Constitution a "compact." The House adopted this report by a vote of one hundred and fifty-nine ayes to only forty-eight dissentients, thus showing in a most marked manner in what light Massachuset's at that day regarded State Sovereignty.

For the twelfth time we find Massachusetts, in 1827, through the voice of one of her most distinguished, and, within her borders, most popular sons, (to-wit, John Quincy Adams, then at the head of the General Government,) proclaiming that if a State does indeed transgress beyond its powers as reserved to it in the Federal Constitution, it yet is not thereby divested of its State-hood, but is still a sovereign.

President Adams in his special message of February 5th, 1827, relative to the resistance of Georgia to Federal requisitions said, when adverting to civil officers of that State, acting under the orders of their State, as follows: "The surveyors are therefore not to be viewed in the light of individual and solitary transgressors, but as the agents of a Sovereign State acting in obedience to authority which they believed to be binding on them." If this be so, how then could the State of Massachusetts and the United States Government with any show of justice or the slightest foundation in right, believe or affect to believe that the citizens of the Confederate States in the late war were guilty of treason against the United States as a mere combination of insurrectionary individuals acting without authority from any sovereign power?

They, Massachusetts and the United States Government, affected to believe, that, because certain Sovereign States did in their acts of secession do wrong, therefore the wrongful acts of such states were, ab initio, void, unauthoritative and of no effect, and that the State Sove-

reignties attempting such acts therefore and thereby ceased to exist; as if, (God save the mark!) a Sovereign power, whenever it does wrong, thereby ceases to be a sovereign and utterly dies! The dolts! (or rather the hypocrites, for they knew better,) did they not know that in every war, waged wherever and whenever on the face of the earth, one of the parties to it must be, ex necessitate rei, always in the wrong? Do they not know that, according to their baseless and shameless assumptions, (the Massachusetts of the first half of this century herself being the judge,) if France should next week declare and wage war against Great Britain, and Great Britain should think France to be in the wrong in so doing, then Great Britain, if successful in the war, would be justified in punishing every captured French soldier or citizen taken in the act of aiding his country, as a member of a mere mob of insurrectionary persons acting only on their own individual responsibility?

Methinks I hear some Massachusetts devotee of usurping and despotic power respond that States united under one General Government stand in vastly different relations to each other as to war between themselves, from the relations, as to this particular, existing between Great Britain and France not associated in such a Union. The prompt and sufficient reply to this response, and one that will utterly pulverize it and strew its dust upon the winds, lies in the correct answer to the following two questions, viz:

First, are the associated States united in a "Confederacy" by a mutual "compact" between themselves as equals, and "delegating" only, (not alienating) certain, few, specified, limited "powers" to the General Government?

And Second, is the separate, distinct sovereignty which each State claims for itself an original, inherent sovereignty underived from, not conferred by, and not depending for its existence on the compact? If the answer, as applicable to any confederacy anywhere or at any time on the face of the earth, be in the affirmative, (and the record of Massachusetts, as here presented for sixty years after her accession to the Union, steadily gives such answer as to the American Union,) then to the supposed Massachusetts devotee of power and usurpation, common sense and the established maxims of Public Law would say, there is not and there could not be the slightest difference (as far as the waging of war is concerned,) in the two cases; for war in every age has been held by all publicists and all governments to rupture, abrogate and abolish all compacts between sovereign powers, and to remit the origi-

nal parties thereto to the original status and relations which they held towards each other ante $f \alpha dus$.

Although doubtless the unscrupulous party now dominating this country would unblushingly reply to the foregoing by saying, (and of course without the slightest foundation in truth,) that there was no compact between the States when the present Union was formed, yet the political record of the Massachusetts of the first sixty years of that Union, utterly precludes her from opening her mouth on the subject, except to say that there was a compact between the States.

A moiety of the people of Spain, in her civil troubles commencing about three years ago, intended, (and they came very near to success,) to establish a system of confederated states composed of the present provinces of the country and embracing all her territory, each state to have its own state government and control of its own local affairs. But in doing this did the people of Spain intend at the same time to abolish, to proclaim as forever dead and departed, their own national, original and inherent one supreme sovereignty which has existed over all Spain, whether held by kings or otherwise, as one, indivisible thing for many centuries? Did they intend that at the moment the confederacy should be formed, this sovereignty should die, and that the one sovereign people of Spain should then as a political community die also, and that succeeding to it, by their consent, should arise over the territory of cach of the several new states a separate, perfect, independent and thus original State Sovereignty acknowledging no other existing sovereignty as the source and measure of its own power? By no manner of means. The Spanish people were and are not such simpletons. They, like all possessors of sovereignty, whether obtained by usurpation, (as is the case now in this country,) or held as of right from original and immemorial possession, or from conquest in war waged between acknowledged sovereign parties to the war, intended never to divest themselves of it voluntarily.

The Spanish people, acting in their character of one supreme sovereignty and one people, intended, after defining the boundaries of and creating the proposed new states, to confer on them, to "delegate" to them the right to exercise as many of the "powers" of sovereignty as would answer the objects and purposes of local government. While those states would be politically independent of each other in relation to their own separate local affairs, would they be each an independent sovereignty of original, inherent and underived powers, looking to no source outside of itself for the warrant of those powers?

The statement of the question, after remembering what precedes it,

carries its answer on its face; and that answer is, No, emphatically, No! Their status would be, as to the independent sovereignty question, precisely the same as was the status of the American Colonies of Great Britian before the breaking out of the Revolutionary war. The Colonies were totally independent of each other, but they were all dependent, for the right which they enjoyed of exercising certain powers of sovereignty, on their great common sovereign, the King of Great Britain, who, in their respective charters, had "delegated" those powers to them, taking care at the same time to expressly reserve to himself as their liege sovereign the allegiance of the Colonies to himself the sovereign of the entire kingdom.

Now in this actual case of the Colonies, and in the supposed case of the confederation of the Spanish Provinces, the grantor of the right to exercise sovereign powers was and would be exactly the opposite of the granting parties in the case of the American Union. In the latter case the delegation of powers came from the States as the original sovereigns in the case existing prior to the Union, and creating a governmental machinery for that Union dependent on them for its origin and existence; whereas in the case of the Colonies, they were created by Great Britain, who delegated to them whatever powers they possessed: and in like manner, had the Spanish Confederation taken place. the creation of the Spanish States and the conferring of powers on them would have proceeded from that one, actually existing and sovereign community, "The People of Spain." Hence after the formation of the confederation, should the people of any one or more of these States, pleading the orders of their respective States, attempt to carry out an act of secession from the confederacy, they would plead authority which had never been conferred on those States by their still existing creator, and therefore, in obeying such unauthoritative orders. would rightfully become amenable as traitors and rebels to their real and only sovereign, "The People of Spain."

Through the voice of John Quincy Adams, her son and representative in Congress in 1836, Massachusetts again and for the thirteenth time proclaimed in that year her fealty to the doctrine of State Sovereignty. Mr Adams then, in the debate relative to the admission of Arkansas into the Union, termed Congress "the representative of that federation compounded partly of slave-holding and partly of entirely free States." The deduction from this utterance is of course that if the union of the States is a federation, then the parties to it, viz: the States, must necessarily be each an independent sovereign; for no political power outside of them claimed allegiance from or control of them.

For the fourteenth time, through the voice of this her great and gifted son, did Massachusetts, in 1839, repeat her belief in the great principle which she had for so many years upheld. Mr. Adams, in his oration delivered in that year on the jubilee of the Constitution, plainly countenanced the right of secession if, in the conscience of the people intending it, they should feel themselves to have grave and just causes for their action. In this oration he said, "to the people alone is thus reserved the dissolving as well as the constituent power, and that power can be exercised by them only under the tie of conscience binding them to the retributive justice of heaven. With these qualifications we may admit the same rights vested in the people of every State in the Union with reference to the General Government." Here, take notice, he concedes the right of any State to secode for cause; for he speaks of the States disjunctively.

Did the late Confederate States in their attempt at secession have justifying cause? Before answering this question, I must beg you as a reader of history to remember that well known fact, undisputed in any quarter, that the Union never would have been formed had not the stipulation for the surrender of fugitive slaves and the farther stipulation that any State might import slaves into her territory from abroad for twenty years, been inserted in the Constitution. To name nothing else, 4but much more might be adduced,) let the great grievance, the deliberate, avowed and long continued infraction of the compact about to be specified, stand forth to the world, as it certainly does and did to the late Confederate States, as ample and justifying cause for their course in 1861. Remember that the abstract question of human freedom either in a state of nature or in organized civil society, the right or wrong of domestic slavery, could have nothing to do with the matter, as between the parties to the compact, after the compact was signed. The Northern States had signed the compact with their eyes open, and therefore their mouths, (whatever other and outside nations might justifiably or otherwise say or think of slavery,) were, by the rigid requirements both of good morals and religion, or ought to have been shut.

If I, as a private individual, voluntarily enter into a compact with even a notorious thief and utter scoundrel, in the provisions of which compact are some morally good and legal stipulations, but also others requiring me to act in collusion with him in the violation of good morals and law, all jurists and ethical writers as well as the plain dictates of common sense will tell me that I cannot rightfully hold him to any of his stipulations if I knowingly and deliberately infract one

single stipulation myself—and that my voluntary agreement to the whole compact binds me to perform every part of it, if I would hold him to any part; and vice versa. If, at any time, after having entered into the bargain, my awakened conscience pricks my peace of mind, all that I, in the eye of good faith and good morals can do, is to retire from the whole thing, and of course leave him equal freedom, unless he, uncoerced and of his own free will, agrees to eliminate from the compact the part or parts I object to.

As a reader of history you must also remember that Massachusetts, as well as other Northern States, soon after acceding to the Union of 1789, passed a law to carry out in good faith that stipulation in the Federal Constitution which provided for the rendition of fugitive slaves. Fowler says, "The Legislature of Massachusetts, in aid of that provision of the Constitution intended to secure the restoration of fugitive slaves from their masters, passed a law by which negroes were prohibited, under the penalty of confinement, hard labour in the house of correction, and whipping not exceeding ten stripes, from taking up their residence in the State. Thus Massachusetts asserted her own State rights, and recognized the rights of the Slave-holding States."

We now come to that one justifying cause (out of many) before alluded to, for the secession of the Confederate States in 1861; and that is the deliberate, persistent, and avowed nullification of the laws of Congress, in relation to the rendition of fugitive slaves, by eleven of the Northen States after 1850, and thereby the gross violation by these eleven States of their solemnly pledged faith to fulfill that provision of the Constitution which stipulates for such rendition. In despite of the Constitution and the laws of Congress, and of the remonstrances of Virginia and other Southern States, these Northern nullifying States kept for many years the objectionable laws upon their statute books until the secession in 1861 of the Southern States. The names of the eleven States referred to are Maine, Massachusetts, Pennsylvania, Wisconsin, Vermont, New York, Michigan, Connecticutt, New Hampthire, New Jersey, and Rhode Island. [See Report of the Committee of the Legislature of Virginia in 1860.] And in relation to such action, and more similar to it, on the part of the Northern States. that did another great son of Massachusetts, Daniel Webster, (boasted of by the entire North as the great expounder of the Constitution,) say in his speech at Capon Springs, in 1851? Why this, "I do not he sitate to say and repeat, that if the Northern States refuse wilfully and deliberately to carry into effect that part of the Constitution which respects the restoration of fugitive slaves, the South would no longer be

bound to keep the compact. A bargain broken on one side, is broken on all sides!" in other words, the Northern States, by their Personal Liberty bills, ("wilfully and deliberately" persisted in,) had virtually abrogated and abolished the Constitution! and as their only connection with the Southern States existed by and through the Constitution, the compact, hence, when that catastrophe took place, they had no more claim for political connection with the slave States than Russia or China had; and therefore no cause whatever for war against those States because the latter proposed and endeavoured to set up a separate confederacy for themseles without lifting or threatening to lift a finger against the Northern States; which latter act they would have been fully justified in doing, had they chosen to initiate the war, by that great feature or rule of the Laws of Nations, the Lex Talionis.

To show the spiteful animus of Massachusetts and her deliberate determination to execute her nullification law as to the rendition of fugitive slaves, it is only necessary to eite certain action on her part in 1857. In that year she ignominiously turned out of the office of Judge of her own Probate Court, Edward G. Loring, a U. S. Commissioner and a citizen of Massachusetts, because he refused to obey her own nullification law.—[Fowler.] Now if she did not consider herself a complete and independent sovereignty of original and inherent powers and a member only of a mere Confederacy of equals having no supreme ruler over them, how could she pretend to justify for her enactment of the law in question and the enforcement of one of its provisions in the case of Judge Loring?

But we have another and the fifteenth assertion by her of the doctrine of State Sovereignty, when, referring in April, 1856, to the provisions of the Federal Constitution relative to the powers granted to the United States respecting the writ of Habeas Corpus and the great right of the Trial by Jury, she made the following utterance through Governor Briggs, then a member of the House, and Chairman of the Committee reporting to the Legislature. "It was not that the States relinquished these rights to the keeping and protection of the Federal * * * . It was a mutual agreement among the Government, States, to prevent any State so disposed from abrogating the cardinal principles of a free government by depriving the citizens of those rights." And he added, "with his excellency, [Governor Gardiner of Mass.] we believe that of the State rights retained by each sovereign member of the confederacy, the two cardinal ones are the habeas corpus and the trial by jury." And in the Committee's report he further added as follows: "State sovereignty on all subjects and in all things where the

exercise of that sovereignty" [mark, he does not say the sovereignty of the one "People of the United States," but of the States,] has not been delegated to the United States, is the language of the Constitut on and the safety of the States. This principle has always been regarded as vital to the existence and perpetuity of the States, a distinct and independent power. It was so claimed by the fathers and founders of our institutions." The Committee was reporting on the propriety or expediency of repealing Massachusetts' law nullifying that provision of the Constitution and those laws of the United States which required the surrender of fugitive slaves. Although the highest judicial authority in the State had declared this nullification law to be unconstitutional, yet the Committee, solely on the ground of the independent sovereignty of the State, recommended the retention of this nullification law on the statute book.

If the State was a mere political or municipal department of, and deriving its powers from, that imaginary sovereignty, that myth, "We the People of the United States," as asserted and contended for by Motley, then the Committee had not a shred of ground to stand on in their recommendation, but in this recommendation were simply traitors themselves inciting the members of the Legislature to commit treason. Here we have an important Committee of the Legislature of Massachusetts preaching the most ultra, Jeffersonian, South Carolina, State Rights and State Sovereignty doctrine that it was possible for them to do. The Committee say, and that too in strict accordance with the well known facts of the case, (relating not only to the writ of Habeas Corpus and Trial by Jury, butto all the provisions of the Constitution,) that those two great rights were stipulated for and secured, [Sect. 9, Article I, and Sect. 2d, Article III,] under a "mutual agreement," (therefore a Treaty,) between "the States," whereby each of the great contracting parties engaged itself to all the others and they to each that the two rights referred to should be secured to all the citizens of the several States. And why was this done? Why should Massachusetts or Connecticutt concern themselves about the rights and privileges of citizens of Virginia within Virginia, and be so very particular in requiring Virginia to promise the preservation of the privileges of these two cardinal rights to her own citizens within her own borders, over whom neither Massachusetts or Connecticutt could have any pretense of jurisdiction or rights of any kind within Virginia? Most plainly because of that other provision of the Federal compact, (the great Treaty between the States,) viz: Sect. 2d, Article IV, which says, "The citizens of each State shall be entitled to all privileges and immunities of citizens in

the several States;" for otherwise, a citizen of Massachusetts or Connecticutt, if apprehended and indicted in Virginia, for an infraction of the laws of Virginia, might possibly be tried and condemned to imprisonment or death without having had the benefits of those two great securities of human rights and freedom.

If, as Massachusetts has authoritatively declared, Sec. 9, of Article I, and Sect. 2d, of Article III were not ordained by any one political community termed "We the People of the United States," then she declares, ipsissima voce, that not a single one of the provisions of the Federal Constitution was ordained and established by that political myth, "We the People of the United States;" for, surely it is hardly necessary to enter here into any argument to prove to any man of ordinary intelligence that whatever party or parties ordained any one Section or Article of the Federal Constitution ordained every word of it.

It may seem superfluous, after what has been said, to add the two items bearing on this point which now follow; but as they may be new and of some interest to some of the readers of this letter I will now do so.

To very few of the printed copies of the Constitution is appended its concluding declaration, which occurs immediately prior to the signatures of the delegates who framed it. It is in these words: "Done in Convention, by the unanimous consent of the States present, the 17th day of September," &c., &c. This declaration conclusively shows that the representatives of no one people framed the Constitution. The other item is this:

In January, 1830, in the celebrated debate in Congress on Foote's resolution, that eminent jurist, legislator and statesman, Edward Livingston, (afterward Secretary of State under President Jackson and a strong unionist,) said, "I place little reliance on the argument which has been most depended on to show that this is a popular government: I mean the preamble which begins with the words "we the people," It proves nothing more than the fact that the people of the several states" [that is, the highest power known in the state, instead of the Legislature,] "had been consulted and had given their consent to the instrument. To give these words any other construction would be to make them an assertion directly contrary to the fact. We know, and it has never been imagined or asserted," [he meant of course by intelligent and honest men, for he had just before referred to the words as having been used as an argument "most depended on,"] "that the People of the United States collectively as a whole people gave their consent, or were [even] consulted in that capacity."

Had Mr. Livingston chosen to do so, he could have given from the

record the very interesting history of the preamble, (known now to but comparatively few people,) showing how the enumeration of the several states by name, (at first placed in it and voted for unanimously,) had, from a very peculiar and unexpected necessity of the case, arising in the later days of the Convention, been compelled to be eliminated from it in the last week of the four months' session, with the very clearest and most explicit understanding among all the framers that the original sense or meaning of the preamble, as indicated by the enumeration of the States by their names, was not to be in the slightest degree altered by this necessary elimination, and adoption of the present phraseology in the beginning of the preamble. He could have shown that so long as the enumeration of the States by name stood in the preamble, (viz: the entire period of the Convention except the last week,) the terminating words now in it, viz: that the Constitution was ordained "for the United States of America" were not there; and that when the enumeration was from necessity left out, then, and not before, were the words "for the United States" appended; showing plainly that these words were added as a substitute for and an equivalent to the enumeration, and to indicate that the Constitution was made not for one people but for the several "States," I can readily perceive why Mr. Livingston did not enter into the history referred to. He knew that he was addressing educated, intelligent statesmen well acquainted with the history of the Constitution, and that therefore a statement of the details of the history to them would be unnecessary. He consequently confined himself to giving only, in a few words, the inevitable deduction from that history.

Omitting here the details of the proceedings of the Legislature of Massachusetts in May, 1856, when in a joint resolution she does not ask, but imperiously "demands" [that is the word she uses,] of Congress in "her character as a Sovereign State" [what more could Great Britain call herself?] the institution of certain proceedings respecting the Brooks-Sumner affair; we will now take a hasty glance at some of her State Sovereignty utterances in 1855, '57 and '58.

In 1855 her Legislature passed the following resolution in relation to the Kansas troubles:

"This Commonwealth is ready if necessary to aid with her whole power the Governor of Kansas and the people of that Territory or of any other territory or state in support of Constitutional rights, by whomvover infringed;"—the Commonwealth of course, from the very necessity of the case here presented, to be the judge as to what rights are constitutional or otherwise. It was well known at the time that,



by the word "whomsoever," she specially referred to the Government of the United States. If then Massachusetts, (herself being the judge of the grievances of Kansas,) could rightfully use her entire military force or any portion thereof to right the grievances of that Territory, (not her own, mark you,) against any power or authority, how, in the name of consistency and common sense, could she condemn South Carolina for taking measures in 1832 to protect herself only (not outsiders,) from the effects of what that State judged, for herself, to be certain unconstitutional acts of Congress? Contrasting Massachusetts and South Carolina in this aspect of State action, we may with propriety say that while Massachusetts proposed to conduct the nullification business on a very extended wholesale scale, South Carolina could be regarded only as aiming at a mere petty retail operation in that line.

In connection with this very Kansas business, Mr. Wells, a leading member of the Legislature of Massachusetts, and acting with a majority of the House, said, in a speech on the Kansas resolution, "The sovereignty of Massachusetts is older than that of the Union, and was not conferred by the Union. [Very true.] The Declaration of Independence is an avowal of State Rights. [True again.] * * * * * *. The powers of the United States are all granted by the several States." [True to the letter.] In all this he was of course perfectly correct, for there stand the facts on the record, which, (to the Massachusetts of 1861 and of to-day,) like the "damn'd spot" on Lady McBeth's hand, will not "out" at her bidding.

Mr. Upham, in the Senate of Massachusetts, said in a speech on 7th May, 1857, "The American Union, as a body politic, consists exclusively of States separate and States confederated. Whatever does not belong to a State, as one of the constituent parts of the system, is not properly embraced by or in accordance with the true theory of our Government." In the first of above sentences he indicates in as few words as the thing can possibly be expressed or that I ever saw it done, the fact of the total independence (of the States) of each other as to their own internal affairs, and that, as to affairs in common between them under the compact, their dependence on or connection with each other is that only of a mere confederation, and therefore that the several people of the several States do not in any sense compose a political community of one people. In the second sentence he asserts the truth that nothing can belong to or be of the Union except as through the relationship to the Union of the State to which that thing belongs; and thus he explodes the idea that there can be any such political thing as

one "People of the United States," outside of and distinct from their status as the several, separate, political bodies of people divided among and belonging to the several States. In his first sentence he also scouts the idea of there being one "People of the United States," in a political sense, by the use of the word "exclusively" in the connection in which it is found. Of course under such a Union as Mr. Unham describes, and as Massachusetts in her sovereign character as a State has often officially asserted it to be, the General Government can be nothing more than the mere agent of the sovereign parties to the compact; and in accordance with this truth, Franklin Pierce, (a New England man,) when President of the United States, termed the Government in one of his messages the "general agent" of the States.

Rufus Choate, a Massachusetts statesman of eminent ability, and often honored in his own State by its electing him to high office, said, (in his 4th of July address, in 1858.) of the States, that while they exist like "primordial particles of matter indestructible and impenetrable, whose natural condition is to repel each other, or at best to exist in their own independent identity, the Union is an artificial aggregation," [rot a merger,] "of such particles." He continued, "have you ever considered that it was a federative system that we had to adopt? *. There the states were when we became a nation. There they had been for one hundred and fifty years, for one hundred and seventy years. * * *. In the scheme of every statesman they remained a component part, unannihilated, indestructible. In the theories of all publicists and all speculators they were retained, and they were valued for it to hinder and disarm that centralization which had been found to be the danger and the weakness of federal liberty."

The Supreme Court of the United States has declared that the States sustain towards each other "international" relations.—[Fowler.] If so, the compact called the Constitution of the United States is a Treaty, a Governmental Treaty* embracing treaty stipulations as to inter-state and foreign commerce; as to rendition of fugitive slaves; as to fugitives from justice; as to traitors escaping from any state in which they had committed treason against such state; treaty stipulations as to laying and collecting taxes, duties &c., for the common purposes of the States confederated; also as to declaring war and making peace in the name of the States; and, in short, as to all the objects and purposes specified in the compact.

^{*}As, in fact, are the constitutions of all confederacies to which the parties are sovereign, independent and politically equal States, confederating of their own free will and choice, and delegating powers to their General Government,

Did it ever specially strike you that in the enacting clause of all the laws of the United States not one word in it says that the laws are enacted in the name of, or by the representatives of the "People of the United States," but by the Senate and Representatives of the "States"? Yet in many of the States you will find that the enacting clause of their State laws says the laws are enacted in the name of, or by the representatives of, "The People" of the State. And why so? Because the people in each State are a political entity and are indeed the supreme sovereign power over the State, the fountain and origin of all the acts of the State. Their enacting clauses do not say "Be it enacted by the Counties of Massachusetts," &c., or "by the representatives of the Counties of Massachusetts;" for Massachusetts was not brought into existence by the fiat of her Counties. It was because of her first being Massachusetts, that they came into existence, and had their metes and bounds and powers set and defined by her fiat.

In her own State Constitution of 1820, which is I think her present Constitution, Massachusetts proclaims to the world her ancient political creed, that there is politically no such thing as "The People of the United States," and that she herself is a sovereign and independent State. Here is the passage:

"The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State; and do and forever hereafter shall exercise and enjoy every power, jurisdiction and right which is not, or may not hereafter be, by them delegated to the United States of America in Congress assembled." Observe particularly that in this last clause nothing is said about one people being assembled (by their representatives) in Congress, but "States assembled in Congress" and that nothing is by her surrendered up and forever alienated to that supposed one people, but that whatever is granted by her is only "delegated" to the "States" when assembled in Congress.

I have in these pages given only a portion of the record of Massachusetts on State Sovereignty; but this portion is enough and more than enough to sustain me in saying that if she was right in the position taken according to that record and held by her for so long a period of time as it shows, then when in 1861 and subsequently she voted men and money to oppress, slaughter and subjugate the people of her sister states at the South, she thus voted and acted (on the testimony of her own record,) simply to perpetrate murder, arson and rapine on an innocent people who had given her, (by her own prior admissions,) even as a member of the Union, no provocation or pretext whatever

for those horrible crimes against right, justice and humanity.

I could produce a similar record of her Northern sisters in iniquity, but as the maxim, "ex uno omnes disce," applies to those other States on the very best of foundations, viz: facts, it thus will render the labour unnecessary.

Before closing I will eite another Northern witness to the truth of the independent soveriegnty of the States. William Rawle, a Northern man, one of the most eminent jurists and publicists of his day, a high-toned Federalist, selected and appointed by Washington to be U. S. Attorney throughout his entire administration of eight years, and continued in the same office throughout the administration of John Adams, published in 1826, an elementary work on the Constitution. It has been generally regarded as the most accurate and able exposition of the Constitution. Emanating from a Federalist of the old Hamiltonian school, it was not to be thought possible that any treason could lurk in it. On account of its high reputation and intrinsic merit, it was adopted as the text-book at the U. S. Military Academy at West Point. There Lee, Davis, Johnston, Magruder, Huger, Pendleton, Beaureguard, Jackson and others of the Confederate Captains were taught, under the sanction and authority of the U. S. Government, the true principles of the Constitution. The principles thus and there instilled into their minds were couched in the fellowing words of Rawle:

At page 302 Mr. Rawle says, "The secession of a State from the Union depends entirely on the will of the people of such State. * *

*. In any manner by which a secession may take place, nothing is more certain than that the act should be deliberate, clear and unequivocal."

At page 287 Mr. Rawle says, "The States may wholly withdraw from the Union, but while they continue they must retain the character of representative republics."

In chapter 32, page 297, Mr. Rawle says, "If a faction should attempt to subvert the government of a State for the purpose of destroying its republican form, the paternal power of the Union could be called forth to subdue it. Yet it is not to be understood that its interposition would be justifiable if the people of a State should determine to retire from the Union, whether they adopted another or retained the same form of government." These were the doctrines taught by the U.S. Government to Lee, Davis, Beaureguard and others after them at West Point up to 1861.

And yet, when those Southern heroes, in strict accordance with the doctrines which, under the sanction of the General Government, had

been instilled into their minds, retired from the service of the confederacy and (obeying each the call of his own sole sovereign, the State to which he belonged,) rallied to her defense in the armies of the new confederacy of her choice, they were, forsooth, traitors!

Traitors to what or to whom?

How came any of them to owe obedience, (not allegiance) to the laws of the confederacy known as the United States? Manifestly because of the fiat of his sovereign, his own State, directing him to pay such obedience when she acceded to the compact. Her act of accession was an order to him to obey the laws of the confederacy; her act of secession a release from such injunction. In one contingency only could be commit treason against a confederacy of which his own sovereign was a member, viz: when without the orders or sanction of that sovereign, he should rise up against the authority and oppose the laws of the Confederacy; and even in that case his acts would be treasonable only for the reason that in opposing those laws and resisting that authority, he would be opposing his own Sovereign, in her character as one of the makers of those laws, and as a constituent member of the partnership from which that authority emanated, and on which it was based.

As a well known axiom of political ethics, Independent, Sovereign States, whether members of a confederacy or not, can not by any possible act commit treason against any authority whatever. Hence it is that the treason clause in the Federal Constitution is applicable only and was intended to apply only to individuals. And hence it was that Seward and his unscrupulous confreres, (I say "Seward," for Lincoln was only a mere nose of wax in the hands of those usurpers,) knowing that Sovereign States, whether in or out of a Confederacy, are still existent States, whatever thay may do, (short of voluntary merger of their own nationality into that of some other nation,) affected to believe that the seceding States had committed political suicide by their acts of secession, (an utter impossibility, and Seward well knew it,) and so converted their citizens into a mob of insurrectionary individuals acting without any public authority and on their own separate, individual responsibility only.

Seward knew that the states adhering to the Union had the right under public law, (international law, or custom,) but not as the United States of the Constitution, to declare war against the Confederate States as Independent, Sovereign States for any cause that in their own opinion might seem just; and if they should choose to do so, to make the acts of secession this cause on the assigned ground (if they chose) of certain injury done to them the adhering states by such acts,

and by assigning also in their list of grievances, (of course without any truth,) that such acts had no provocation whatever from the adhering states.

But Seward dared not take this position however much he may have wished to do so; for hall he doneso, he would have thereby recognized the nationality of the seceding States and their acts of secession as nationally authoritative acts, and he well knew the consequences of such a proceeding; viz: that the powers of Europe would have at once recognized the Seceling States and would thereby have given no cause of complaint to the adhering States; and that, from such recognition by the powers of Enrope, certain other consequences would have inevitably followed, which would have rendered the subjugation of the seceding States an utter impossibility. Hence his affectation of believing the seceding States had committed that impossible thing, political suicide by their acts of secession.

Had Seward made war on the seceding States as still existent and recognized States, and, had admitted that they were actually out of the Union, and had he after this subjugated them, then there would have stood in his way no constitutional barriers, (the breaking through of which is yet to bring dire woe* to the Northern States.) against what, on Seward's theory, has been and is the utterly unjustifiable and unauthorized course which the General Covernment has taken (during and since the war.) towards the seceding States.

. It is well known that Northern orators (in Congress and elsewhere,) and Northern newspapers of ability have often boasted of the unheard of magnanimity exhibited by the General Government in refraining, after

^{*}The great historian, Froude, in a lecture recently delivered in New York,

[&]quot;In my reading of history one tremendous phenomenon forever forces itself on my observation, viz: that every political crime is a debt registered in Heaven; and the payment to the very last furthing, with interest and compound interest, is demanded of those who, when the bill? [compact?] "is signed, represented the person of the criminal."

Massachusetts at least, cannot charge that the Southern States incurred any debt of the above nature when they seeded in 1861, nor aver that they paid for it by their sufferings and losses during and since the late war. Time will yet reveal who "represented the person of the criminal when the bill, [the compact] was signed."

In the same parigraph and in continuance of the same subject Fronde says, "It was not those, [viz: the indentical individuals.] who committed the crime, who generally suffered for it" as observed by him in the teachings of history, but those who came after them; and as to this fact he adds, "this has been, from the beginning of time, one of the mysteries of the providential government of the world," If then political crime was committed by one or the other of the parties to the late war, the punishment is yet to come, according to the general operation of the phenomenon as observed by Fronde.

the war ended, from bringing to trial, convicting and executing a single traitor (so-called) engaged in the late war. That men of general intelligence and crudition in public or international law, and well grounded in the history and provisions of the Constitution of 1789, should have the doubly brazen effrontery to talk about magnanimity to traitors, when speaking in reference to citizens of the late Confederate States, would surpass belief, were it not for the well known fact, (charged on them by people of their own section,) that such men, leaders in the party now ruling the country, do not recognize the binding character of moral or religious restraint on their political actions or words. Do not these revolutionists know that among all English-speaking people, inheriters of the great rights of Magna Charta, no man can be held to be guilty of crime until he shall first have been, under the rules of law, convicted of the crime, and judicially pronounced to be guilty?

To lay a foundation for their boast, to vindicate their claim to the virtue of magnanimity, this horde of revolutionists owed it to themselves, to their cause, and to the world, to bring to trial and to convict of treason, (if they could,) some great leader of the people of the Confederate States. Had they, after a fair trial under the law, convicted such an one of treason and condemned him to the legal penalty of the crime; but, refraining from the infliction of the penalty, had thereupon pardoned and discharged him, then and not until thee, could they, with any decency or propriety, have boasted of their magnanimity to the people of the South.

Magnanimity indeced! Was it magnanimous to torture, in the barbarous spirit of the medieval ages, for many long, weary months in the stone case-mates of Fortress Monroe, a physically feeble old man, whom, (fearing to bring to trial,) they at last discharged, virtually sine die, untried and unconvicted? The great mass of their party do not know it, but nevertheless there can be no doubt of the fact that such leading, influential and thoughtful men among them, possessing brains, as were deeply versed in the lore of the law and the truths of the Constitution, (men like their Chases, their Speeds, their Reverdy Johnsons and numerous others of similar calibre,) knew that to bring Jefferson Davis or any other aider and abettor of the Confederate States to trial for treason alleged to have been committed against the United States in the late war, was to obtain a judicial acquittal of the person charged with the crime; (or rather act, for no crime was committed;) and hence the advice which they doubtless 'gave and urged, (for Andrew Johnson hadn't the brains to comprehend the situation,) that Mr. Davis should be discharged from prison under bail

for his appearance in court whenever called upon to appear.

They never mean to call him; they dare not do so; for they know in advance what the verdict, (if ever rendered,) must be, and that consequently it would be a condemnation in their own courts of the entire proceedings of the Federal Government with reference to the war, and to their course towards the Southern States from March, 1861, to the present day.

With this verdict before the country and the world, and to go down forever on the pages of history, (backed up by the utterly overwhelming arguments and luminous exposition of the Constitution which would have been put forth by that giant in the law. Charles O'Conor,) where then would be their claim of being in the right in the late war? where would be their ground (transparent pretext as it is, even now without the verdict,) for calling any citizen of the late Confederate States a rebel? Where would be their justification, (shallow as that is, even now,) for the seas of blood of their own people which they caused to be shed, and for the expenditure of the billions of that people's money which they poured out like water in their unholy efforts to subjugate, oppress, and humiliate an unoffending people?

Until they shall have, by due process of law, convicted of treason some prominent and leading aider and abetter of the late Confederate States, common decency ought to close their mouths when they feel inclined to boast of their magnanimity to the people of the South, and to use the terms "rebels and traitors" as applicable to the citizens of those States engaged in any mode in aiding those States to sever their connection, under the Constitution, with the Northern States.

Thus without going farther than so much of the record of Massachusetts as I have here presented, (for, if I were to go beyond it in an elaborate essay on the subject, I could so pile a dozen Pelions on Massachusett's Ossa, as to bring out the right of secession as clear as the noon-day sun in an unclouded sky,) I think that you or any unprejudiced reader of these pages, of whatever political opinions he may be, must admit that this record conclusively proves, (or at least ought so to prove to every citizen of Massachusetts,) that the right of secession did exist, and that it was no infraction of the Constitution, but a right independent of and outside of the Constitution, and inhering necessarily in every member of a political Confederacy constituted not by the fiat of any one sovereign, political community, but brought into existence only by the "mutual agreement" of indepen-

dent, Sovereign States, already existing as such before the compact of union was entered into.

I remain, dear sir, with much respect,

Yours very truly,

A Son of Norfolk.

Since the foregoing was written, and now (December,) while passing through the press, the following extract from a late number of the N. O. Picayune may be very appropriately appended as germain to the subject discussed in the preceding pages.

IS THE DÉMOCRATIC PARTY DEAD?

(From the New Orleans Picayunc.)

* * * * * * * * * * * * * * * * . Now, by the light of the experience in which we exist, all men can

Now, by the light of the experience in which we exist, all men can see the inevitable fate of every free Government abandoning the principles of the Democratic party. Men may change in upholding them. Men may abandon them and draw the sword to extinguish them; but they live in the breasts of the people as the true and only principles of liberty. Despotism and tyranny only concentrate a purer vitalily. The fiercer the despotism—the stronger the money oligarchy which holds them down—the higher in all probability will be the spirit which worships them. And it is for such reasons as these that The World can rightly affirm that the Democratic party is not dead. Its principles are undying—its adherents are millions—and whether the party which shall bring these principles again undefiled into the politics of the United States shall call itself Democratic or any other name, it must rise up to the restoration of the Government of the United States to a free Government, or revolutionary durkness, the sure sequence of central despotism, must spread over the land.





The Puritan Scheme of Antional Growth.



DELIVERED BEFORE THE

NEW ENGLAND SOCIETY

IN THE

CITY OF NEW YORK,

DECEMBER 21st, 1857.

BY

NEWBERRY LIBRARY CHICAGO

RICHARD S. STORRS, JR., D. D.

Published by the Society.

New York :

JOHN F. TROW, PRINTER, 377 & 379 BROADWAY,





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See 3d page of cover.

The Puritan Scheme of Antional Growth.

AN ORATION

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ORATION.

Mr. President, Ladies, and Gentlemen of the New England Society:

WE have met to-night for an office of commemoration, and of filial piety. We have met as representatives of that portion of our country from whose loins we have sprung, whose influences we venerate, to whose traditions we confess our allegiance, and to whose freshly remembered homes our hearts untravelled still return, from the midst of all newer attractions and delights. Without even the cold that comes out of the north to remind us of the emigrants who faced it first on the coasts of Plymouth, and with all things else that meet or surround us set in singular contrast with the scenes they confronted,—these long and echoing streets of trade, these wharves which are fringed with the shipping of a continent, these avenues lined with luxurious homes, the halls of justice, the many churches, the great institutes of learning, of charity, and of pleasure, this audience itself, and the room we are gathered in, all conspiring to show the advance we have realized, and reminding us only by the law of antithesis of the sheeted and desolate hills which they saw as they drew to

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the end of their perilous voyage,—so we come, to lay our fresh garland on the graves of the Departed, and with praising hearts, to recount the indebtedness we acknowledge to them!

It is an office which many may covet, but which none should condemn; which the intimate instincts of nature seem to prompt; and which every descendant from an ancestry deemed by him noble and pure should emulate and applaud. Surely, if even the ancient world has honored the memory of the great ones departed with festival and procession; if its finest poetry has celebrated them, in lyric grace, in elegiac pathos, and in the long-resounding measures of epic verse; if its noblest art has been dedicated to them, in pictorial portraiture, in statues, and in tombs; if its very legislation has been full of their influence, as its history of their deeds; and if, in all the great crises of its progress, in the forum, on the battle-field, on decks that reeled swimming in blood, as the very palpable scales of Destiny,—if here the influence of the earlier heroes, that had brooded invisibly over all peaceful years, has seemed to rush forth conspicuous and embodied, till inaudible battalions were felt sweeping the field, and a dusky legion hovered everywhere on the air,-surely, it may be pardoned to us, in these ages and lands which Christ hath taught, that we recall the great character of our Ancestors, and offer to them our humbler praise!

And yet we are here not only as vividly mindful of a Past, but as conscious of a Present, and hopeful for a Future. We are here as not divorced in any degree from the nation we are part of, although the province which gave

us birth claims our prime love. And I trust, and doubt not, that we all of us are here, as aware that the grandest, the only really worthy and permanent tribute we can offer to our ancestors, is the life we accomplish, the work we do, to promote the ends which were sacred to them. "Man celebrates," says Richter, "to his beloved ones a more beautiful festival when he dries the tears of others than when he only sheds his own; and the most beautiful flower and cypress-garland which we can hang upon loved monuments is a fruit-garland of good deeds." And what is thus true of the personal representative of a parent deceased must much more be true of a succeeding generation; whose force has been derived to them, their culture accomplished, and their character shaped, for great public purposes, and to whom these appeal with a supreme voice.

That people which is smit with such idolatry of the Past that it pauses before this in passive admiration, and renders it the cheap tribute of verbal adulation, while hindered from attempting fresh works for itself, only brings upon itself a keener contempt for the contrast it offers with its own Heroic Age. Inspiration is not chartered to names or blood. It flies, air-pinioned, over the earth; and seeks its home, and its place of enthronement, in every congenial human soul. And so they are the real representatives of our Fathers—we are such only if accomplishing this—who interfuse their fire and force, their dignity, patience, and forecast of faith, into modern endeavors, and who execute a work, on the present arena, completive of that which they wrought nobly two centuries ago! Where

they contributed to found a nation, and to organize its elements, we are called to contribute to advance and upbuild it. The seeds were theirs, to implant and protect. The already rooted trunk is ours, to cherish and defend. Within narrow boundaries lay the area for their work. To the shores of the Pacific, to the wealthy slopes of the far South-West, extend our realms. But our work shall only represent theirs, and be its meet and great memorial, when we do it with the same self-denial and energy, the same wisdom, fidelity, and inflexible courage, which they showed first; when we show ourselves their successors by a spiritual lineage, better than the physical, through hearts baptized with the qualities of their character, and minds informed with the wisdom of their plans.

And we are here to take note of this fact, and to gird ourselves afresh for the effort which it claims. Not merely to honor the Past by our praises, but to quicken ourselves to emulate that Past, by a kindred heroism in a similar work—that is our errand; the only one which could justify our assemblage; the only one we can any of us accept!

I propose then to ask you to consider for a little THE PURITAN SCHEME OF NATIONAL GROWTH; that which they whom we honor were accustomed to recognize, and which they strove to realize and incorporate in their own institutions. By considering this, we may animate ourselves, perhaps, in attempting our own great office in the world, and may at the same time, from a higher point of view, examine and estimate the work of our Fathers. The theme opens widely and brightly before us. It runs not only back in its relations, but forward also, over that Fu-

ture beneath whose lifting shadows we are met. It is the theme, I cannot but think, which they whom we celebrate would themselves have suggested. With perfect fitness to the place and the occasion, it challenges our thoughts.

It was one of the cardinal principles of our Fathers concerning National Growth, that this should proceed from, and be animated by, a definite and positive spiritual Life, diffused through the State; interpenetrating all parts of it; and manifesting its influence more or less distinctly in all public and private activities.—Whether consciously or not, this idea always wrought in them. It is seen not only in sermons and in journals, but in parts of their statutes. It moulded and quickened their whole frame of government.

With all their scrupulous deference to the forms which they had established, and to which they required strict submission in others, such forms were only important to them as incorporating and manifesting this spirit of life which they sought to make paramount, and as tending to distribute and to quicken this in others. The undeniable fact, too, of their judicial intolerance—which was often combined, in singular vividness, with their personal kindness towards those who dissented from the religion of the State and its dominant ideas, toward Romanists, Prelatists, Baptists, and Friends—this intolerance sprang directly from the fact that they conceived the Spirit of the State to be more important than numbers or wealth, or the friendship of neighbors; and they would not allow this, if legislation could prevent it, to be impaired by hostile influence.

Undoubtedly, they committed an error, and a grave one, in applying their principle. They exercised an authority which in others they had denounced; and as a mere matter of prudence they erred. For a doctrine, whether correct or erroneous, is always too elastic, and too self-diffusive, to be trodden down by power. It springs back, with only a mightier rebound, from beneath every blow, and appeals to wider sympathies the more it is oppressed. So all the doctrines which the Puritans opposed only gained wider prevalence through the force which they used in resisting their spread; while, by their public using of this, they brought a dark shadow over their fame.

But while we recognize without flinching the fact that they erred, let us recognize also as clearly the fact that it was not from pride, from passion, or from malice. in the excess of a high and pure impulse. It was through pushing to a doubtful, and at last an injurious conclusion, a principle that was right, philosophical, noble, and when held in due limits, most fruitful of good. A State compacted, from its infancy onward, by a pure and permeating spiritual life; into which should enter a deep love of Freedom, combining with reverence and conscientious regard for the public order, with both these impregnated by religious convictions, and culminating naturally in the fervors of piety; a State which should be coextensive with the Church, and should carry that out, in its natural expansion, whithersoever it went ;-this was the State at which In enthusiasm for this, they had the Puritans aimed. crossed the sea, and attempted the establishment of a nation dissevered from all traditions; a nation as recent on

the face of the earth as the hemlock-tents that sheltered its founders:—an enterprise of singular height and reach, and which looked as hazardous to the men of that day as the project of Columbus to the sailors who followed him, when they thought themselves in danger of sailing westward over the actual rim of the world. They were not afraid of the bleakest coasts. They were not affrighted by the icy wastes which met them at Plymouth, or the desolate shores which opened at Salem. They accepted, without hesitation or diffidence, the rugged hills of New England for their home, instead of the more inviting latitudes for which they had sailed; and through every discouragement they were inwardly expectant and assured of success, if only they might ensure the prevalence, from the outset onward, of this high and inspiring spiritual force, of Religious conviction and a conscientious Probity, throughout their communities.

Their sumptuary laws, regulating dress, furniture, and food; their rules requiring the support of one ministry by the people of a town; their absolute refusal to establish hereditary prerogatives in the State, or to found authority upon any thing but character, even when they were tempted most strongly to do this; their vigilant supervision and censorship of literature, which doomed an immoral book to the flames, no matter how costly, or to whom it belonged, as certainly as if its pages had been thick with the virus of plague; their great, heroic, wise endeavors to found a Christian University at Cambridge, and afterward at New Haven—ALL had in this supreme idea their point of final resolution and union. They are to be interpreted and measured by this. And in this the Puritans were in evident

harmony with the great laws of History, and with the essential and organific principles which govern the constitution of Society on earth. They showed themselves philosophers, and spiritual thinkers, and not mere men of motion and of action; worthy to have sprung from the age of Elizabeth; worthy to have been trained by Providence for its work!

Life, everywhere, is the element of Growth; and a vigorous and governing spiritual life, diffused through the State, is better to it, a thousand times over, than any material helps and resources. How brightly history instructs us in this; while also it is so early reached, and so clearly established, by the logic of analysis! The principles of Truth, of Justice, and of Liberty, they receive recognition from God's supreme mind. They are essentially and forever involved in the very conception of a co-operative system of intelligent beings. The soul of man, if it does not delight to express them itself, yet recognizes their glory and affirms their authority, and demands that they be expressed toward it by others. It never will rest, in inward tranquillity, until they are; and whensoever they really enter a man or a community, and are accepted, loved and realized, their force is always renewing and inspiring. They train, and develop, and invigorate to new action, our noblest Heroisms are born of them; self-sacrifice; enpowers. durance; and even the triumphs of genius itself. Literatures spring from them; humanities; chivalries; and that best Art, which is not a fabricated ornament for the State, but a product of its force, consubstantial with its strength. They erect each soul to a nobler stature, and give it new

dignity, manliness, might. And they make a People centrally fearless, spiritually effective; enduing them with intellectual strength and resources, uniting them in the compact of a living agreement, and shooting into them a force of enterprise and of patience, not from any aggregation of numbers and wealth, but from their own interior assurance of what is *Right*, of what must conquer!

Often, and signally, has the influence of these been illustrated in History, by individuals and by peoples. The Spartan strength, which sprang from simplicity and sobriety of tastes, from a sense of the value and beauty of Liberty, and from a devotion to the rugged Peloponnesus as its natural home; the Roman might, which, more than by any other fact or force, was built up and consolidated by the prime and clear recognition on the Tiber of the twin ideas of Liberty and Justice, as the right of the citizen, and which, with all the treasures it had gathered, and the conquests it had made, went down irretrievably into crashing destruction, when these were sacrificed; in times more recent, the long-continued independence of Switzerland. that high-nested Eagle, watching Europe from her eyrie; the growth, and greatness, and power in the world, of England and its government;—how all illustrate the same fixed law, which is according to God's nature and to ours, and which constitutes the essential philosophy of History, that the vigorous spiritual force of a people is the prime condition, the organizing power, the architectonic law and life, of its enduring and grand prosperity! Whatever shuts off a people from the world, so that this may remain in them; as the isthmus that shut off Sparta from Europe, or the

mountains that circle Switzerland with their bulwarks, and make it peculiar and separate among kingdoms, or the seas that intervene between England and the Continent, and secure to that island its special development; this becomes to such a people the most constant and helpful auxiliary to their strength. And whatever expands an empire so fast, as exploration and conquest expanded the Roman, that this individualized spirit of life loses activity or loses supremacy, and comes to be either overwhelmed or exhaled amid physical successes—that is certainly fatal to the real prosperity and permanence of the State. It buries it, like Tarpeia, beneath the golden trophies piled on it. It leaves it, like the relics of Charles Borromeo, simply a crowned and robed cadaver, for dissolution to destroy, or any onset of force to tear apart.

The Puritans were right then, certainly, manifestly right and wise, in seeking to make an inward life the centre of their State, the element and energizing principle of its growth; which should wind itself into, and show itself amid, all subsequent development, and work unseen to mould and build the ultimate Power. If that life was not the rarest and noblest that we can conceive, it was certainly better than any that had preceded it. It had more of majesty, purity, truth, in it; more of God's inspirations, and of God's present influence. The devotion they cherished to personal liberty, to public justice, and to the great principles and laws of Religion, expressed in a rude, but still a real way, the grandest power our nature can hold; the power that must invigorate and protect more than arts or diplomacies, or any memories of the past. They were right in not

fearing or caring what opposed them: the coldest climate, the most rough and rocky and inhospitable coast, a country with neither spontaneous crops nor wealthy mines, a wooded wilderness, haunted by savages: if only they might eternize this life which they brought hither, and make it supreme from the outset to the end. For this principle of their power, although imponderable, was also immortal; though invisible as the fruitful energy of the Spring, it was like that subtle, penetrant, irreversible, and sure to show itself in a subsequent fruitage of beauty and of wealth!

And this marked them preëminent among the men of their age; the real builders of States; the real architects of Empire! Unconsciously, perhaps, they had struck here the vein whose quarried gold was to build and adorn the great fabrics of State throughout the future. With the quick intuition which experience had taught, they had seized the true secret of imperial development. And they were alone in this. When Spain sent out her colonies to the South, it was with great fleets and disciplined captains; but with no other governing aim or plan than to gather wealth as rapidly as possible; to pluck the rubies, the sapphires, and the gold which flashed on that narrow and splendid zone, and then to sweep back with these unreckoned argosies, and set them shining on the robes of the Peninsula. When Raleigh and his contemporaries essayed to found a new empire in Virginia, it was their scheme to transport thither the society, the industry, the chivalry of the Old World, and by these to organize the new commonwealths. The plan contemplated no peculiar development; no growth of the State from invisible principles; no

dominance of supreme and subordinating Ideas throughout its extent; and it failed, accordingly. The distance was too great, and the country too novel, to sustain such an enterprise. But when the Pilgrims landed at Plymouth, when afterward the freemen of the Massachusetts Colony were established at Boston, and its hilly vicinity,—they threw themselves back, behind all human helps and strength, on that invisible spiritual power which had wrought in themselves, and which they meant should work and reign in those who came after. They designed the State which they set up, to be firmly established in the souls of its members, and then to be realized in outward form wherever these carried it. They meant the material to be builded and shaped by the law of the spirit; a moral force, incompressible, though invisible, to be the germ of the whole commonwealth.

And herein, as I said, they contrasted the others, and showed themselves nobler; of higher stature, larger reach, a finer intuition into man's mystic nature, a more grand and inspiring confidence in God. We can pardon much to them; their severity of manners, their hostility to the fine arts which they thought enervating, their disposition to reënact on the shores of the New World the Mosaic legislation, in many of its forms, as in all of its principles; we can understand what it was that sustained them, amid every privation, and made them expectant of a glorious Future, while near and dark still lowered their horizon; we feel the same sympathies grappling us to them which knit the hearts of Bradford and Winslow, of Winthrop and Salstonstall, and their educated contemporaries, so closely to their

work; we interpret, in a word, their whole great enterprise, and see its relations, and are already prophetic of its issue; the moment we bring the fact before us, that they sought to organize a nation by a spirit, and to govern it by principles, and not merely to pile it by physical aggregation, and compact it by the rules of a reciprocal interest. It made no difference whence they sailed, whether from Plymouth or Delft Haven; it made no difference how they came, whether in poverty or in wealth; since they were the heralds of these powers invisible. These sent them out to traverse the seas, and these were to be to them arms and law. And they could not relinquish the work once commenced. The great maxim of Hampden, "nulla vestigia retrorsum," became their maxim also, by a law of necessity; for they could not go back, so long as this inspiring purpose, which had drawn their barks across the ocean, which wore on its front illustrious promises, which was in itself to them as an evangel, commanded them FORWARD!

It was rather a natural result of this, and a necessary corollary, than an element added to it, their Second principle: that a State should be closely and thoroughly organized, in its physical frame; and that it should grow with steady, shapely, and gradual increase, instead of being loosely accumulated at first, and then rapidly expanded; that it should develor itself from within, rather than be swiftly, but externally augmented.—This, which sometimes is charged on the Puritans as a rigorous narrowness, was really an inseparable part of their scheme, and essential, as they thought, to the proper and wise de-

velopment of the rest. It harmonized with, was the complement to, the preceding principle; and furnished the mechanism through which their invisible spirit was to work. In this view, although it is not unfamiliar, it claims and deserves to be carefully examined.

The early colonies differed, as we know, materially, and even widely, in some of the details of their civil organization. The colonists at Plymouth, few in number and unconspicuous, a mere fragment thrown off from the great world of England, and drifting through space in their own hired ship to a shore which pestilence had prepared for their coming, were secure, at least, of the kindly and sheltering neglect of the monarchy; its beneficent forgetfulness. And so they established their own form of government in the cabin of the May Flower, and made themselves "a civil body politic," with equality of rights for their prime provision, and a perfect democracy for their fundamental law.

The colony of Massachusetts Bay, on the other hand, which was larger, wealthier, and more prominent than this, being organized at the start on a patent from the Crown which contemplated a constant supervision of its affairs by the company in England, and having become an independent colony only by the unforeseen transfer of that patent, and the bodily emigration of the company itself, from the Old World to the New,—this colony had less of the purely democratic, had naturally more of a centralizing tendency, in its constitution and practice, from the first. The ultimate authority vested, indeed, in the body of the Freemen. But the Governor and the Assistants had

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also fixed and large prerogatives. The very number of the Freemen, indeed, was limited to those who had become such under the Patent, with those who should afterwards be admitted by them. And it was only through resolute and unwearying effort, extending over years, involving wide agitation and discussion, seizing every occasion for its fresh exhibition, and cresting almost annually to a positive aggression, that the body of the people pressed up their way, through all the restrictions and encumbrances of the charter, to the recognized right of making their laws, and electing their officers.

In Connecticut, again, the Constitution at first was of singular liberality; the elective franchise belonging to all the members of the towns, who had taken the oath of allegiance to the Commonwealth, and the magistrates and legislators being chosen by them, in annual ballot; while still later, in New Haven, this rule was modified by limiting the franchise to the members of the church, and making the Bible, by popular enactment, the book of statutes.

But still, amid these formal diversities, certain general principles are everywhere manifest in the Puritan plan for constituting the State; and in each of the several districts I have named these principles were recognized, and carefully embodied. They tend, as we observe them, not to form the State to the ungirt proportions of a casual democracy, promiscuous and undisciplined, thrown together by fortune, united only by the accident of neighborhood, and swaying and oscillating in transitory impulse; but, rather, to the close and well-knit structure of an organized, compacted, and permanent Government, with due subordinations and

0(1) - - a mide supremacies of parts, and with powers restricted to those competent to wield them. The State was a body, not a mass, on their theory; a vital organism, far-extending, many-membered, yet uni-centric, and everywhere pervaded by one living spirit; not a mere mechanical aggregation of persons. And they would scarcely have thought it possible to carry on permanently, to successful issues, the experiment of self-government, without such a careful internal organization. "Government by the best," was always their aim; with established deposits, as well as with definite limits and checks, of authority and power. And out of this due increase was to come.

The Family was primitive, central, germinal, in the Puritan Commonwealth; at once a State and a Church in itself, with the father for magistrate and minister of God, the children and servants for subjects and disciples. And to the maintaining and upbuilding of the Family, and the furtherance of it in fulfilment of these functions, many sections of the early legislation of New England, as well as the force of public opinion, and the offices of the Church, were carefully directed. Both the scope and the limits of parental authority were patiently defined; and while an intelligent precaution was taken to withhold from a Father who might prove tyrannous, an undue authority over his dependents—such as might be found prejudicial to their life, or the free and various development of their powers,—on the other hand his rightful prerogatives were outlined, with as shrewd a precision, and he was distinctly protected by the law in the exercise of these. made responsible for the training of his household, he was

gifted with powers to meet the responsibility; and within his own house his supremacy was fixed.

Thus the earliest aim of the Puritan legislation was to make the Family the real seminary and seed-field, out of which should arise the enlarging Commonwealth; in which the relative subordinations and leaderships, the obligations and the offices of the State, should be imaged, and from which should proceed the practised minds, and the disciplined wills, to direct and administer public affairs. It made each household an independent community; an actual, central, self-determined Commonwealth; where the proper authority of law should be recognized; where men should learn to command in after life, by having been taught to obey in their youth; and where, in a real though a miniature development, all the functions of the State should be prophesied and fulfilled. The family-affection here inculcated, was to be the germ of patriotism afterward; the fealty to a Father, to expand and ascend into loyalty to the State; and the habit of command, in the Parent himself, to prepare him to fill, and worthily to discharge, high public trusts. And no other part of the Puritan plan was really so essential to the integrity and well-working of their whole scheme of government as this, their assiduous protection of the Family.

The moment we pass the boundaries of this institute, complete in itself, and in place primordial, we come to that principle of alliance and federation which was equally familiar to the Puritan communities, and which gave them coherence, with capacity for expansion. All the households residing within certain fixed limits composed the Town;

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and the heads of these households, with those who had been trained to a suitable age under their own supervision and government, or who had resided long enough among them to become imbued with their principles and spirit, were the recognized electors and governors of that Town; by whose free choice its operations were directed, and from whose intelligent and uncontrolled suffrages each election proceeded.

If the Family approximated therefore a limited monarchy in its constitution—the authority of the parent, while presumed to be limited by wisdom and by love, and while positively limited by encompassing statutes, being still asserted as judicial and supreme-the Town, on the other hand, approximated in its constitution and government a perfect democracy; the right of voting being limited, indeed, to those who were presumed to be qualified for it—in some instances, as I said, to those who were church-members, in others to those elected Freemen—but being entire and permanent among these, inalienable save by removal or crime, and the vote of each man being equal in the count to that of his older or wealthier neighbor. Yet the same ideas of the rightful authority and preëminence of the governors, which were implanted and carefully nourished in the Family institute, were extended in spirit to the officers of the Town; and when these had once been fairly elected, they claimed and received a kind of respect which, now, in these days of official delinquency and of popular suspiciousness, would seem grotesque. They exercised, indeed, a positive power, as guardians of the peace and the weal of the public, which we should scarcely intrust to any.

The many Towns, confederated again, and all represented in the general councils, made up the State. They legitimated its government, appointed its officers, and framed its legislation; and they were competent to revise and change the very organic law that shaped it. The State did not ordain the Towns, and intrust to them their powers and prerogatives; but the Towns, with these inherent and primitive, sprang up themselves around each church, and made the general Government for their minister. In Plymouth, therefore, for nearly twenty years, the whole body of male inhabitants, of lawful age, composed the Legislature. They decided executive and judicial questions, also, as convened for that purpose. They were, in fact and in law, the Government; with nothing above them, nearer than the stars! And when afterward, through their increase, this came to be impossible, representatives of the Towns succeeded to their power.

Again the principle of alliance and federation,—which naturally extended in its further development from one Colony to another, which made in 1643 the "United Colonies of New England" to be in some respects as one, and which thus became the germ of our whole existing confederate system,—again this principle was vigorously applied, linking Towns with one another in a great body composite, protecting each, and renewing its force, by allying it with the rest, and making of the separated arrows one sheaf. And again the principle of the just subordination and subjection of the governed, and of the rightful authority of the governors, which had been recognized and incorporate in the Family, and thence in the Town, was established

and maintained in application to the State; and that federation of co-operating communities, while annually revising and reconstituting its government, and insisting, against all sermons and treatises, on rotation in office, attributed to its officers, and readily secured for them, a degree of intelligent and honorable respect which it now would seem absurd to attempt; which looks, indeed, almost inexplicable as we trace it in history.

While essentially Republican, then, as well as free and autonomic, the plan of the earlier Puritan commonwealths was not, in the popular sense, Democratic. It had its root always, and substantially its prototype, in the Family constitution. It contemplated, throughout, an internal organization thorough and close-wrought, involving a fixed subordination of parts. It did not design to make all men voters, irrespective of character, but only those who were qualified to vote; and though it fixedly vested in these the ultimate supremacy, it still encouraged in no degree their hasty, unorganized, or irregular action. Its governors were real Governors, and not merely representatives of a popular caprice. Its legislators and magistrates, though deriving their authority in each case from the people, were yet accepted as in a high sense the Fathers of the State, and were honored accordingly. And never, I think, in any Monarchy, or any Republic, has the internal structure of the government been closer, more carefully compacted, more firmly and finely knit together, than in those new States, where the people ruled all, where the judges themselves were elected every year, and where it was held to be a species of treason to appeal from the Commonwealth unto the Crown.

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And all this was for a definite purpose. There was nothing accidental or fortuitous in it. It had its foundation, not in tradition. They were severed from that! Those ears that had heard the persecuting shears snapping around them, were closed thenceforth to the voices of tradition! The sea, too, had set its billowy thunder between them and the Past. Their frame of the government had its spring in their own intelligent judgment. The Past did not impose it; but the Future inspired it. It was carefully planned, and firmly ordained, to secure the prevalence throughout their communities of that high and positive spiritual life of which I have spoken, as the power to which the Puritans looked for all their success and all their advance. To work this into the minds of the members, first of the Family, then of the Town, and finally of the State, to make it everywhere effective and paramount, and secure its propagation through subsequent years,—to this their whole apparatus of government was anxiously adjusted.

They did not desire to expand the Commonwealth over very large territory. They preferred to have it confined to small boundaries, and to have each separate shoot that went out from it strike down its own root, and grow up for itself. They did not encourage, but distinctly discouraged, a promiscuous immigration, even of Englishmen, to the shores they were peopling. They were even somewhat fearful of the influences of commerce. And while their hardy sailors went out, from a very early period, to engage in the fisheries, and to prosecute a traffic both coastwise and transmarine, and while that manly art of ship-building, which now makes all the seaboard ring, was early introduced, they preferred, as far as pos-

sible, to retain both their men and their products at home, and to build up whatever of mechanisms they needed for the comfort of life, from their own resources, rather than to import these from abroad. Linen, woollen, iron implements, gunpowder, they tried to make them all at home, and to have no occasion to go over sea for them. And they would not allow to the Parliament of their friends any more authority over their affairs, than they had allowed to Charles First, and to Laud.

It was all because they sought in these methods to make the peculiar spiritual force in which they trusted, of individual conscientiousness, religious conviction, and a voluntary deference to public justice, paramount and prevalent throughout the State; and to realize that slow but shapely growth which should follow this, and spring from its life. Any rapid enlargement of resources, or of territory, which should be attended by the hazard of this, they dreaded as a curse, and persistently warded off. wanted their small, but well organized States to be strong in the inward agreement of their members, their common intelligence, their mutual fealty, their ethical fidelity, and their religious consecration; and then to grow from poverty to wealth, from fewness of numbers to a large population, from their early deficiency in the means of enjoyment, and of social cultivation, to affluence in all these-not by gathering them from abroad, so much as by creating them on their own soil, from their own energetic and fruitful life. They defined their Towns, and made them compact, forbidding the erection of any dwelling-house in them at a distance of more than half a mile from the meeting-house.

They granted their lands to companies, generally, not to persons, that a number of families might settle together, and that public opinion might at once be formed and influential among them.

A population interiorly compacted and harmonized by the moral agreement and concord of its members, and the prevalence among all of those governing principles which the Bible had revealed, and the Fathers had accepted; a population spreading out by degrees to new districts, but subduing, cultivating, transforming, as it went, carrying schools with it, churches, colleges, and all the structures of social life; breaking off at the frontier, the moment it touched that, to a separate life, and starting up there into new communities, with similar institutions, and the same public sentiment;—a population which, to its furthest limits, up among the mountains where the bridle-path followed the trail of the Indian, down upon the sea-coast where the sail was just glancing above the canoe, should still in all parts be pervaded and governed, and vitally integrated, by the spirit first brought here in the casket of the May Flower, and afterward re-enforced from the Jewel, the Ambrose, and the Lady Arbella;—this was what the Puritans aimed at! They made no plan, and they had no wish, for a mere aggregation of numbers and of treasures, aside from this; and they built all their hopes of realizing the Ideal which they had brought hither, on their probable success in accomplishing this.

From such a real and vital formation, closely organized around the Family centre, a slow, but certain and normal growth was sure to come; and that they sought. It was

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GROWTH they were after, and not mere increase; growth from a root, in obedience to an inward organizing law, and not mere outward adventitious additions. The State was a body, not a building, in their plan; and they wished it compacted by a permeating life, not simply set together, mortised and clamped.

And however we may dissent from their methods, and think we discern an unwisdom in them which we have outgrown, we cannot but perceive the real unity of their plan, and render the tribute of our respect to what was at once so novel and complete. They made an aristocracy; but it was one of character, never of property, in which the servant, if a freeman of the Church, might be a legislator, while the wealthiest master, if irreligious, was a subject. They held their town-meetings in the church, of set purpose; because the affairs to be there transacted should properly be governed by the spirit of religion. opened their legislative sessions with a sermon, on the same vital plan; and enjoined it on the magistrates to recognize and enforce the discipline of the Church. They strove systematically to incorporate into laws that vision of Milton—the State as one great Christian Man, with sinews strung, and mighty members, but with religious convictions for the breath of its frame! And what they did is approved by the issue. They said themselves, when Cromwell invited them to emigrate to Ireland, "Our government is the wisest and the happiest this day, on the face of the earth!" And the country has felt the pressure of their influence, and must feel it more, even unto the end, in great part because they organized so carefully,

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while believing so firmly; and though trusting in the spirit of personal faith as their ultimate life, they gave this a mechanism, through which to work, most close and compact. Here they showed themselves men of administrative skill, and not visionary theorists. And if human nature was too stiff for them at last, and the Millennium too distant to allow their success, they yet with rarest force and zeal made their effort to open to the province which they peopled the nobler Era!

But still a Third principle in the Puritan scheme concerning National Growth, was this: that while proceeding from a central and positive spiritual life, and working out through a compact organization, into a gradual shapely increase, it should be attended with noble Fruits; it should be, indeed, in order to such Fruits, of high and pure character, and beneficent action; and, unless the State gained these as its result, it had failed to vindicate its right to be, it had failed to fulfil its office in the world.

No man can read the earlier records of the history of New England, without seeing this aim shining brightly above them, or without being impressed by its purity and its dignity.

Even in Holland the Pilgrims had been moved by "an inward zeal of advancing the Gospel in the remote parts of the New World;" "yea," they added, with a lofty humility which challenges our reverence, "though we should be but as stepping-stones unto others, for performing so great a work." And in the compact signed in the May Flower, it was declared that they had undertaken the voyage "for the glory of God, and the advancement of

the Christian faith," as well as "for the honor of king and country."-The same was true of the immigrants to the Bay. "For that the propagating of the Gospel," said the company in their first letter of instructions to Endicott and his council, "for that the propagating of the Gospel is the thing we do profess above all to be our aim in settling this plantation, we have been careful to make plentiful provision of godly ministers, by whose faithful preaching, godly conversation, and exemplary life, we trust not only those of our own nation will be built up in the knowledge of God, but also the Indians may, in God's appointed time, be reduced to the obedience of the Gospel of Christ." And in the Charter itself it is averred, that "to win and invite the natives of the country to the knowledge and obedience of the only true God and Saviour of mankind, and the Christian faith, in our royal intention, and the adventurers' free profession, is the principal end of this plantation."

In the oath of the Governor is was therefore solemnly incorporated: "and, likewise, you shall do your best endeavors to draw on the natives of this country, called New England, to the knowledge of the true God; and to conserve the planters, and others coming hither, in the same knowledge and fear of God." On the earliest seal of the Massachusetts Colony, over the figure of the Indian that still stands there, instead of the present Latin legend quoted fitly from Algernon Sidney, was blazoned that stirring Macedonian cry which Paul had heard amid the ruins of Troy, on the night that followed that memorable day when his eye first caught the summits of Europe, "Come

over and help us!" In 1646, immediately on the close of the Pequot war, the General Court of Massachusetts passed their formal act to encourage the carrying of the Gospel to the Indians, and recommended it earnestly to the elders of the churches to consider how this might best be done. And in 1663, within little more than twenty years after the first printing press, given from Holland, had been set up at Cambridge, the Bible was printed there, in the Algonquin tongue, the current dialect of the New England tribes.

To establish the Gospel, and spread it broadcast, in the new and untracked wildernesses before them, to convert the savages to the knowledge of the truth, and to open above their darkened souls the gates of grace, was thus the cardinal aim of the Colony. They sought in this way, so difficult and obscure, yet morally so grand, to add to man's good, and to advance God's honor.

Yet, not only this, but also to establish great Christian Commonwealths, full, to the end, of a purifying influence, was comprised in their plan. Winthrop had intimated this, in those "General Conclusions" attributed to him, wherein he said that "to raise a bulwark against the kingdom of anti-Christ," and "to accomplish an enterprise whose main end should be not carnal, but religious," was the purpose of the colonists. Higginson, when he was leaving England, after that fervent and majestic Farewell which can never be forgotten, "to the Church of God in England, and all dear Christian friends there," sail, as the shores faded out from his sight, "we go to practise the positive part of Church reformation, and to propagate the

Gospel in America." When afterward he preached his last memorable sermon, on the arrival of many gentlemen from England, as he was himself just preparing to depart from those then recent settlements to the City above, his text was, "What went ye out into the wilderness to see?" And his answer was, in substance, to establish a pure and religious Commonwealth, within which the Gospel should reign supreme, and from which it should be widely dispersed. "In the very hour of death," says Bancroft, "the future prosperity of New England, and the coming glories of its many churches, floated in cheering visions before his eyes."

For this end Harvard College was planned and founded, within the first struggling decennary of the colony, and out of the midst of its uttermost poverty; the very ferry being taxed to enable its teachers to guide young minds on their search through the Past, or their perilous flights beyond Sirius and Aldebaran. For this it was enjoined that each town of fifty families must support a free school; and each town of a hundred families a grammar school, in which youth might be trained for the University. And for this, everywhere, the Church was made prominent as the real centre, the organizing power, in each community; and the ministers were consulted in all plans of government.

John Cotton had said, before leaving England, in that noble Church of St. Botolph in Boston where he ministered, whose size and beauty rival those of cathedrals, and whose tower is seen forty miles out at sea, that his aim in his ministry there had been "to promote a threefold concord among his people; between God and their consciences, between true-hearted loyalty and Christian lib-

erty, between the fear of God and the love of their neighbors." This was the aim which he brought with him, in that long voyage where "three sermons a day beguiled the weariness of the passengers," when he came to the newer and less promising Boston, which, as Mather says, "upon some accounts of growth soon came to exceed Old Boston in every thing that makes a town considerable." This was the aim of those with whom, and upon whom, he acted; and this at once defines and exalts their purpose in coming. "Colonies are the foundations of Great COMMONWEALTHS," said the General Court of Massachusetts in their answer to Parliament, in 1646. And to make those coming Commonwealths pure and Christian, prosperous and powerful for a noble beneficence, was the constant hope of those who were planting them. They felt themselves. as Winthrop the younger said in England, "indented to God's glory, in so special a service." And when the confederacy of the Five cooperating Colonies was formed, its object still was, not the mere political protection of its members, but the "sustentation of the truth, and the liberties of the Gospel."

The Pilgrims would have held that State most imperfect which contented itself, and complacently rested, in its own advancement and special prosperities, without seeking to benefit others around it. They esteemed that progress to be radically wanting in greatness and value, which was a mere progress in power and wealth, and in physical success; which gained no results of great character and culture, and blossomed out to no wealthy fruits of enlarged Christian knowledge. The moral, to them, was superior to

the physical; the attainments of Christian wisdom and piety, above accumulations of worldly resources; the alliance of the soul with God, through faith, above the conquest and mastery of Nature. And to these they held the State to be tributary, as they held all things else that existed on the earth; the very earth itself, and its laws.

They themselves were ordained to this, by a personal baptism of the Spirit of God. Their communities were ordained to it, by that Providence of God which had marshalled them hither, and had opened before them the paths They anticipated, therefore, and careof the wilderness. fully arranged for this from the outset: that the noble character, which at first was brought hither by Endicott, Winthrop, Saltonstall, Johnson, or earlier still, by Carver, Bradford, Brewster, and their fellows, should be preserved, exalted, re-enforced, and more widely distributed, in generations to come; that the lights of learning, rekindled here, should burn with only a brighter flame than they ever had shown on the shores of the Old World; that the institutes of religion should have a solid and enduring foundation in the States they erected; and that great, and wise, and wide-reaching efforts, for man's good and God's glory, should be the ultimate, the ever-repeated product and fruit, of all their large and arduous enterprise! Not a mere police establishment was the State on their theory; accomplishing its office in protecting its subjects, and punishing criminals. It was to them a place and a power of the noblest education; a teeming nursery of all good influence and heavenly growths, from which Letters, Charities, and Salvation should proceed, and in which they should perpetually be nourished. Philan-

thropic endeavors, and missionary enterprises, were to be its results; the proofs of its prosperity; the real and imperishable rewards of its founders. It existed, in order that characters might be formed, commanding, large, and full of light, whose record should make all history brighter, whose influence should link the earth with the skies. And they expected Millennium itself, with its long eras of peace and of purity, of tranquil delight and illuminated wisdom, to spring, as the last and crowning fruitage, from the States they were founding, and from others like them.

It was this which inspired them to come hither as they did, and not the mere pressure of strictness at home which drove most of them hither. They came as drawn, not driven out; attracted by a purpose, not exiled by an edict; to make the world better, through the States they were to found, and not merely to escape the supervision of constables. They sacrificed much, and they knew all they sacrificed. But they poured it all as precious ointment on the feet of this enterprise, which to them was Divine! They left the fairest parts of England-old homes to which their hearts were rooted; old ways in which their infancy had tottered; the streams on whose banks they had won their brides; the ancient churches, whose walls were still brightened with the scutcheons of their ancestors, and at whose altars they had worshipped themselves, or had joyfully ministered; they left the shadows of Universities that had trained them, and all the storied and venerated scenes which grappled their hearts with hooks of steel; as Hubbard said of the Lady Arbella, the daughter of the noble house of Lincoln, they "came from a paradise of plenty

and peace, to a wilderness of wants," where often, as with her, their very life was shattered in the transfer—because they sought and expected to rear here not only States pervaded by one life, compacted thoroughly, and steadily increasing, but States whose fruit should reward all their effort; whose results, of enlightenment, and of human salvation, running on through the centuries, should culminate at last in the glories of that Day when the Heavens and the Earth shall be one in their life! And except for this we had no New England, and no recurring "Forefathers' Day" to rain on us its great inspirations!

And in this, assuredly, the Puritans were wise, largeminded, large-hearted, philosophic, philanthropic, we might say poetic! And History, however she dissents from their methods, must reverence their aim! A State is for Fruit, and not for its own mere maintenance and growth. Whensoever, and so far as, any State upon earth has contributed to this, has advanced and upbuilded the moral life of mankind, its influence and renown become thereby imperisha-We value the Roman Empire to-day, not for the palaces that shone on the Palatine, or the arches that spanned the great current of the triumph as it swept along the Sacred Way; not because its helmets flashed over the earth, and fronted on one hand the auroral dawn of Indian plains, while gleaming on the other through the night of the Hebrides; but because it has given us something of poetry, much of eloquence, because it created the Civil Law for us, that growth of centuries, which still has a recognized power in our courts, and because a glorious patriotism was born in it which yet lifts its standards over the centuries.

We value the brilliant States of Greece, because of their splendid contributions to letters, to the art of the world, and its ideas of government; because Liberty, thence flying like a shining Apollo, has borne its light to Western climes; and because the great fathers and exemplars of Greece still instruct and inspire us by their primitive heroism. value the English growth and history, because our world has inherited from it not Shakspeare only, Bacon, Milton, but the Common Law, Constitutional Liberty, Protestant Christianity, and the English Bible; because there streams on us an influence from cloister and college, from pulpit and parliament, from the scaffolds that have risen there, and the parish churches that trained men for them; from all the great centuries that have marched over England, with their industries and struggles, their glorious resistances, their sacraments of martyrdom, and their triumphs of Right! Till the globe is dissolved, the energy thence diffused shall never die out of the history of mankind; and, therefore, until the globe is dissolved, the name of England shall be one of its watchwords!

And we must agree that the Puritans were right, wise, noble, in seeking to make the States they formed only means of results, which, though invisible, should be immortal; which, while as spiritual as light and air, should be like these renewing powers in the history of the World! It would not have been according to their nature, or according to God's great training of them, that they should have aimed at less than this; and the fact that they sought this, commands our respect, and justifies our reverence! It shows them, again, not mechanics, but archi-

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tects, in the building of States; not mere fanatical adventurers and religionists, frightened fugitives flying from despotism, or ascetic devotees of a rigorous doctrine, but men of purpose, faith, and forecast; the height of whose minds is proved and measured by the height of their aims; the width, and length, and unity of whose plans demonstrate their greatness.

Not artisans only, but artists they were; of a certain colossal cyclopean order, yet with the rarest dreams of beauty! They thought little of the colors that blushed upon the canvas; but the mountains and the sea were the frame of that picture which they designed to brighten with towns, and to fill with all forms of beneficent industry. They sang in their churches without aid of instruments, in stanzas not smooth, and tones not tuneful; but they meant so to mingle the elements which they brought here, and those they invited, that from them should flow, in harmonious procession, the cadence of a History chiming on through the centuries, full of faith and of praise! had little regard for the products of the chisel, that makes the marble start to action, and almost throb with the quivers of life. But they meant to carve those rugged heights which gloomed around them, to the pedestal of a Form such as John had seen, in his older Patmos, when the Heavens unfurled their splendors to him! And they who deride them, or they who neglect them, may be challenged to show a more majestic ideal! God's own inspirations are revealed in its grandeur!

My Friends, it is an honor to have sprung from these

men! It is a great office to do what we may to accomplish their design! We assemble amid scenes, as I said at the outset, which widely contrast those they confronted in establishing their States. Those narrow and crooked paths through Boston, which certainly nothing but a marvellous enthusiasm could have prompted Johnson to call "comely streets," as matched against this resounding Broadway, with the splendors that deck it, the hurry and the brightness of traffic and of fashion that constantly throng it; that shadow of the tree under which they assembled, to hear the words of Preacher or Governor, as set against this elaborate edifice,* with its gateways and galleries, its granite walls and springing windows, its fair proportions crusted with ornament; these tell the story, without other help, of our physical advance! These show what equipments of wealth we have gathered, in two centuries and a quarter; and these may properly so far impress us as to make us grateful to God for His kindness, and hopeful for that Future of which such are the means!

But let not our wealth, as contrasting their poverty, ever hide from us the real eminence in character of our Fathers, or diminish our sense of the value and the grandeur of the plans they brought hither. Let us recognize the fact, for it certainly is one, that the nature of those plans is not comprehended, or if comprehended is departed from constantly, in our social life and our civil history; and that, while the principles which were sacred to them have been the secret of our prosperity, the invisible workmen

^{*} The oration was delivered in the Church of the Messiah.

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that have builded it all, those others, which now obtain among us, if left unchecked, will work opposite effects for those who come after.

I certainly am no devotee of the Past, I am not afraid of the Present and its tendencies, nor timid for the Future. I believe that the soil which was consecrated to God by that first stormy Sabbath, kept by the Pilgrims on a desolate island while not far off the May Flower hovered, shall remain an asylum for His truth and for Freedom, till the sun has ceased to greet the pines, and the surge has failed to heave at Plymouth. Those settlements which so manifestly were ordered of God, and ordered for some great ultimate purpose, did not come out to their final fruitage at Lexington and at Concord, or when the sheeted storm of fire swept down its rain and iron hail along the sides of Bunker's Hill. Our national independence was not their whole product; nor the subsequent swift and vast expansion of population and industry over the even then unexplored West, making the valleys beauteous with homes, making the mountains laugh with har-The influence of that early religious colonization is still undoubtedly to travel on, over the mountains and into the Future; and to bring forth its fruits in a coming civilization, when we, and all these homes of ours, are quite for-The spirit and the power of the Fathers shall not fail from the future development and advance of our country, till their vision is fulfilled, and the East and the West, clasping hands over a continent, stand up at last, mighty and pure, to regenerate the World! On the pillars of this hope it is ours to take hold, to draw from it strength.

the light of this magnificent Future it is ours to walk, with joyful steps, and an ever-ascending and triumphing faith!

But yet, while I feel this, I cannot but see that at every point which I have defined as primitive and cardinal in the plan of our Fathers, we have departed from the model they proposed; and not in the way of development and enlargement, but of definite deviation, if not of positive contradiction and reversal.

Where they put all reliance on ideas, and were not careful of numbers or of means so long as the spiritual force and life which had built up the State continued unbroken, we base our confidence for the strength, the prosperity and the progress of our country, on the vast and increasing masses of population; on the wealth that flows in on us in a constant abundance; on the mechanisms that make all commodities cheap, and all luxuries familiar; on the commerce that connects us with every nation whose realm is productive, and the hem of whose borders sweeps outward to the sea. Religion with us, especially in the cities, instead of being supreme as with them, the law of our growth, and the life of our success, is rather an ornament of civilization; a perquisite of the rich; a social accomplishment; almost one of the fine arts; a pleasant accompaniment to eloquence and to music, but utterly out of place when attempting to inspire, to restrain or direct men. Its great Institutions turn pale, and are dumb, before the mandates of Power! Like the sculptures on an architrave, they are prominent in place, not an element of strength. Public justice now wants the sacredness it had in the Puritan commonwealths; is a service of interest,

whose legitimacy is doubted, not an austere and solemn sacrament of Right. And that so high and glorious doctrine of Personal Liberty which they brought hither, and which, if they did not apply it to all men, they applied to themselves with a constancy and a vividness that made fireballs but its exponents,—how far it has dropped out from the practice of our government, and almost from the plan of its administration, is indicated on our coins, is recorded in the current histories of the day, is disastrously proclaimed in the novel and partisan decisions of courts.

Instead of sternly curbing luxury, we, by every means possible, invite and assist it. Instead of discouraging a promiscuous immigration, we make the land echo with a polyglot of tongues, and drain every monarchy to replenish our West. Instead of small States, and those thoroughly organized, we seek to make each successive one larger; to spread it to ten times, twenty times, forty times, the size of those first formed; and then we measure its importance and greatness by its square leagues of soil, its navigable rivers, the mines that are in it, and the frontier wildernesses that fringe its circumference, not by the might of MEN in its homes. We disregard families, we override towns, even, in constituting these States; accepting no divisions more definite than of counties, and basing the right of suffrage solely on the two conditions of age and color, without reference to character or to previous training. We seek to expand artificially, swiftly, to a visible greatness, where the Puritans planned to organize, and to educate, and to grow up by small and gradual increments. We aggregate men from all climes and tongues, and call that a nation which

is only a casual human sand-bar, accidentally heaped together, from different soils, by meeting currents, while they sought to make a nation grow up, homogeneous and compact, of shapely development, rooted in the soil, springing like the oak, integrating solidly each part with the rest before seeking others, and swelling each year with an annulus of development.

Instead of proposing to ourselves, as a people, any great, enduring and noble FRUIT, of beneficent action, of illustrious character, of moral impression on the world we are part of, as the product of our national expansion and power, we desire and consult for the mere material increase of the State, and only mean to lead the nations in civic prosperity and in physical enterprise; to make them wonder at our affluence, not our charity; to out-race and out-sail them, not to lead them on our march to a difficult philanthropy. That our mines are the richest, our cataracts the largest, our prairies the widest, our lakes the longest, our clippers the fleetest, our steamers the most sumptuous, our government the most free, flexible, and wealthy, our people the most enterprising, shrewd, and successful,—this is the natural boast of Americans, with which to-day they perambulate Europe, and astonish the Turk! And the spiritual development and formation of character, like Washington's or John Jay's, we hardly have seen any tendencies to this since the epoch of the Revolution. The drift has been strong the other way; turning statesmen into demagogues, rather than educating sciolists to be statesmen. The undertaking or the fostering of great missionary enterprises, to enlighten and elevate a barbarous people, no

dreamer would venture to suggest that to Congress. The founding and the nurturing of large institutions, for the blessing and helping of those who come after, has almost passed from the plans of our States. It is left, nearly everywhere, to mere private munificence; and the only National Institute we have, for preserving, advancing, and distributing knowledge, was the gift to us of a foreigner, who never, I think, stepped foot on our shores.

In a word, the spiritual is not supreme with us; the material is. Engineering is to us what interpreting the Scriptures was to the Fathers. Where they sent missionaries, we send the agents of secular trade, or stealthily let loose piratical filibusters. Where they intrenched the culture of the people behind their highest and firmest muniments, we dedicate government to the guardianship of property, and leave all else to take care of itself. And in place of that all-pervading life, of religious conviction and personal consecration, which the Fathers sought to secure and perpetuate through a careful organization, with the Family at its centre, we trust in chariots that roll over the land at thirty miles to the hour, and in horses that make the very deep but a roadway!

Now it is not for us with prostrate souls to bewail these tendencies, as if there were nothing but unmingled harm in them; as if we could do nothing but look backward with praises, and glorify the Past, while lamenting the Present! The office of garnishing sepulchres is not ours, nor that of framing commemorative odes. It is ours rather to accept the present stage as one preordained stage in our national development; to be glad of and to welcome all the agen-

cies which it offers us—of a printing-press everywhere, and a commerce every whither; of steam beating through the fastnesses of the hills, and crossing the craggiest chasms at a leap; of lightning flying on through the interweaved wires, and flashing at once over every city a common intelligence,—it is ours to accept these, and to use them for good, by bringing in more of the Puritan life, and trying to realize with new fidelity the Puritan scheme in the Nation around us. We may do this without any thing of narrowness in our sympathies; without any thing of inordinate deference to our ancestry.

Each national stock that came hither at first, brought something real, and something important, to the whole great product. We claim in this assembly no solitary indebtedness to the Fathers of New England. The Hollanders who settled at this mouth of the Hudson, the Cavaliers of Virginia, the Catholics of Maryland, the Huguenots of the Carolinas, the Friends of Pennsylvania, each had their special wealth to add to that unparalleled christening-gift, of genius, will, and eminent character, with which the new-born Empire here first started from the ocean that was to it as a font! We honor them all for their worth and their service. But the Puritans added theirs, as well as the others; and we, as by nature representatives of them, are to take heed that what to them was peculiar does not die out of the history of the land.

They were not, certainly, infallible men. In some gifts of nature, they were doubtless defective; and the circumstances they met here did not all favor them. They had drifted out, over recent seas, to a country estranged from

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all their associations, which was to them as another planet, and which lay before them shrouded in glooms, of forests uncut, of unrelieved winters, and of strange, idolatrous, dusky inhabitants. Something mystical and shadowy, thus entered their character. They seemed to have come near to diabolic activities. Witchcraft was not incredible to them; and strange, abnormal growths of thought were certainly. realized in their new environment. Their spiritual life took a tone from the woods. The wild wrestling of the elements woke in some of them a dark sympathy. They thought Wilson a Prophet; Davenport a Moses; Anne Hutchinson to have a devil in her. When a snake came into the seat of the elders, assembled at Cambridge to construct their platform of doctrine and of polity, and Thompson of Braintree, "a man of much faith," put his heel on its head, even Winthrop believed that the Devil had come there, in his primitive form, to vex the Church. And Endicott, the undaunted and indomitable Governor, the very type of the Puritan, austere, conscientious, yet cheerful and sociable, who befriended Roger Williams, and cut out the red cross from the banners of England, had yet his private inconstancies and frailties, and did not live up to his own ideal.

But still these men had a plan, and developed it. They worked for that plan with a sinewy skill, and a self-consecration, as well as with a positive power of mind, which we never should forget. Behind its pillar of light they trode, through a history rougher than any old wilderness, and more severe than sterile plains. And we anew should pledge ourselves to its substance. New England

was dedicated to this office at the outset, by Him who gave it its place on the Continent—the place of the Pulpir as well as by those whom he gathered to people it, and to fill it full of a common life: to be a centre and seminary of Ideas; a place from which invisible forces, to organize and to educate, should go widely forth; and we must be true to this hereditary office. Not holding ourselves limited to the definite forms and symbols of the Fathers-accepting them, if we do it, as freely as they did-we yet must make Religion, as they did, supreme and all-penetrating. Not in all things, perhaps, allowing to the Father such authority as they gave him over his household, we must not forget that the Christian Family is central, primordial, in the Christian Commonwealth; and that when this is dissevered and lost, submerged by hotels, or dissolved into boarding-schools, the end is not far.

Not altogether reproducing their ancient statutes against luxury in dress and immodest amusements, we yet must train ourselves and others to a Doric simplicity, and not a Corinthian sumptuousness of manners. Not trying to repeat merely their special humanities, we must not shrink from those harder philanthropies which now challenge us. And without repeating in stated terms that noble formula of the Oath of the Freeman in the Massachusetts Colony: "Moreover, I do solemnly bind myself, in the sight of God, that when I shall be called to give my voice, touching any such matter of the State wherein Freemen are to deal, I will give my vote and suffrage AS I SHALL JUDGE IN MINE OWN CONSCIENCE MAY BEST CONDUCE AND TEND TO THE PUBLIC WEAL OF THE BODY, without respect of persons, or favor of any man;

so help me God, in the Lord Jesus Christ!" without repeating this in terms, we must incorporate its spirit in our life, and determine that no assault or pressure, of person or of government, of power or of Law, shall ever induce us to violate Conscience!

We cannot avoid these duties which are on us. The Past impels; the Future summons. God makes us mediators between ages of planting, and ages of fruitage. Deep calleth for us unto deep; those early Colonies, these coming States! We are heirs to a great and costly legacy, of valor and of virtue. The blood in our veins has flowed to us from men of unusual courage, foresight, faith. us was the wise and heroic life of those from whom the Pilgrims came, watched over by their love, and followed by their prayers. For us was the large moderation of Winthrop, and his sterling sagacity; for us, the rugged energy of Dudley; the piety of Carver, Bradford, Wilson; for us, the beautiful grace of Lady Johnson; for us, the spirit that looked Death in the face from the clear, bright brow of Henry Vane! A cloud of witnesses gathers around us, as we stand here. Those thousand graves, among distant hills, should be each one the spring of an influence shooting up in our hearts with irrepressible energy. And they commit us, each one who has sprung from the breast of New England, to the vital appropriation, and the wide propagation, of those principles and that spirit which belonged to the Fathers.

Let us not be unmindful of this ever-present and sublime obligation! Let us brace ourselves to this office, and pledge ourselves here anew to its fulfilment; to incorporate .

in our history the pattern which they whose names we bear "saw in the mount!" So shall our work interlock itself with theirs, and carry it forward. So shall the fruits which they expected still spring from their labors, in only a greater profusion and extent than they dared anticipate. And so shall their continual prayer be answered in the issue, and God shall save that great Confederacy of interweaved and harmonized States, which shall be then ONE COMMONWEALTH!

It is now proposed to erect at Plymouth, on the spot of their landing, an obelisk to their fame; of noble height; of just proportions; wrought of the granite; circled and crowned by appropriate figures. In that fit work let us all take part! and out of the midst of our abundance, raise a trophy to them who, with a sacrifice that we cannot reckon, opened for us the gates of our prosperity. But let us, while doing this, determine also, with the utmost of our force, so far as in us lies by nature, so far as God may give us grace, to make the Land which we inherit, and along whose parallels emigration still flows from their frontier seats, their noblest monument! A people free, in every part, the aspiring shaft; Universities, churches, the symbolical statues; enactments of righteousness, the bolts that gird it; the principles of philanthropy, the lines that mould its rising strength; and a Protestant Christianity, that lifts one hand to praise the Lord, and stretches the other to bless the nations, for its supreme and culminating figure!



ILLUSTRATED.



PRESENTED BY

E. TOURJEE.

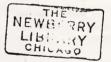
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A BOOK OF ILLUSTRATIONS,

AND SKETCHES OF PERSONAGES AND PLACES INTIMATELY CONNECTED WITH NEW-ENGLAND HISTORY DURING THE CENTURY, ESPECIALLY THE EARLIER PORTION.



BOSTON:

PRINTED FOR THE COMPILER,
By DAVID CLAPP & SON.

1876.

Sympathy of the Bull A

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GOV. WINSLOW.

Gov. Winslow was a passenger in the Mayflower, and was made governor of the colony. He was one of the party which discovered the harbor of

Plymouth.

When the final conference was held with Massasoit, he offered himself as a hostage. In visiting Narraganset in 1623, he found the chief Massasoit extremely sick. The skilful attendance and care of Winslow was the means of restoring him to health. In his gratitude Massasoit disclosed a plot of the "Masschuseuks," which was suppressed by Standish.

His treatment of the Indians was uniformly kind and just, and in return he received their confidence and aid. He went back to England in 1623 as an agent of the colony; returned the same year with the first cattle which were

introduced into New England.



On his going to England in 1635, Archbishop Laud imprisoned him in the Fleet Prison for seventeen weeks, on the charge of having taught in the church, being a layman, and performing marriage as a magistrate. His own

marriage was the first that occurred in New England.

He published quite a number of valuable works. His first was, "Good News from New England," in 1623. This book created much excitement in England, and stimulated emigration to this country. His next was, "Relation about Indians." "Glorious Progress of the Gospel among the Indians." Also in 1647, "New England's Salamander Discovered."

Possessing great activity and resolution, with courage that nothing could check, he was eminently fitted for the important work placed in his hands.

He died at sea, between St. Domingo and Jamaica, and was buried in the ocean.

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FIRST CHURCH OF PLYMOUTH.

The illustration above tells its own story. It was the first church of Plymouth. The building was of logs, and was neither imposing from without nor beautiful within. There was no lofty spire nor windows of stained glass, nor glass of any kind. From the low flat roof, cannon pointed in all directions. Armed sentinels were placed at the door to warn of danger. The command "Watch and pray" had its literal fulfilment.

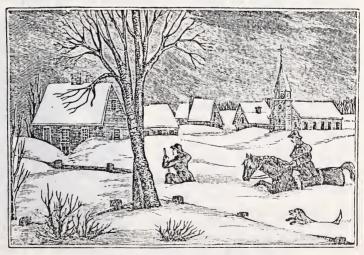




ATTENDING CHURCH IN OLDEN TIMES.

In the year 1740, at the time of the great revival which followed the preaching of Whitefield, the custom was introduced into some of the New-England churches of walking in procession to and from the places of worship, singing the praises of God—thus, as they supposed, following literally the teachings of the 100th Psalm:

"Enter his gates with songs of joy; With praises to his court repair, And make it your divine employ To pay your vows and honors there."



Winter Scene in New England, 1717.





THE RESERVE THE PARTY NAMED IN COLUMN



COSTUMES OF THE PILGRIMS, 1620.

These illustrations give a very good idea of the general costume of the Pilgrims, which, however, varied somewhat both in form and materials, acording to station and means of the wearer.

For half a century it was the prevailing dress in England and her American colonies; and as the costume of John Bunyan, Richard Baxter, John Hampden, Oliver Cromwell, and their cotemporaries, it will ever be regarded in history as a marked illustration of an age remarkable for the advances which it made in every direction towards freedom thought and its consequent-civil and religious liberty.

FASHION IN BOSTON, 1639.

If we may judge from the character of some of the laws framed in the early history of Boston, the ladies were not then allowed quite as much freedom

in "shopping" and "dress" as they now enjoy.

"4th of 7th month, 1639, Boston. No garment shall be made with short sleeves whereby the nakedness of the arm may be discovered in the wearing thereof, and such as have garments already made with short sleeves, shall not hereafter wear the same unless they cover their arms to the wrist with linen or otherwise: and that hereafter no person whatsoever shall make any garment for women or any of their sex, with sleeves more than half an Ell wide in the widest place thereof, and so proportionable for bigger or smaller persons."

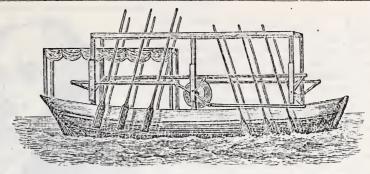


OLD TIME METHOD OF TRAVELLING,

"Ordered, that no person, either man or woman shall make or buy any slashed clothes, other than one slash in each sleeve and another in the back, also all cuttworks embroidered or needle workt Caps, bands, Vayles are forbidden hereafter to be made and worn under the aforesaid penalty-also all gold or silver girdles, Hatbands, belts, Ruffs, beaver hatts are prohibited to be bought or worn hereafter under the aforesaid penalty, &c."

These and other regulations of our forefathers, show that their government did not at that day

allow the largest liberty.



THE FIRST STEAMBOAT.

The above is an illustration of the First Steamboat in America, of which John Fitch was the inventor and builder. Fitch had a strange history. He was born in East Winsor, Ct, Jan. 21, 1743. During the Revolutionary War he was an armorer in the service, afterwards a sutler, then a silversmith and manufacturer of silver and brass sleeve buttons at Trenton, N. J. Next he was a surveyor in Virginia. Was captured by the Indians in 1782, while exploring Ohio. At the close of this year, making his escape, he went to Bucks County, Pa., where he found a home. Here in a little old building standing by the roadside, miles away from any dwelling-house, Fitch lived and worked out his model of the steam-engine. He was known as the crazy blacksmith. His first successful experiment was made July 27, 1786, on the Delaware River. His success led to the formation of a stock company in Philadelphia, and the building of a small steam packet for carrying passengers. The highest speed gained was eight miles an hour. In 1790 the company failed.

In 1793 Fitch went to France to try his steamboat projects, but met with no encouragement. On his return from France he went to Kentucky, where he died July 2, 1798. He left a scaled envelope, opened in 1823. In this was found a lengthy account of his adventures in the steamboat enterprise.

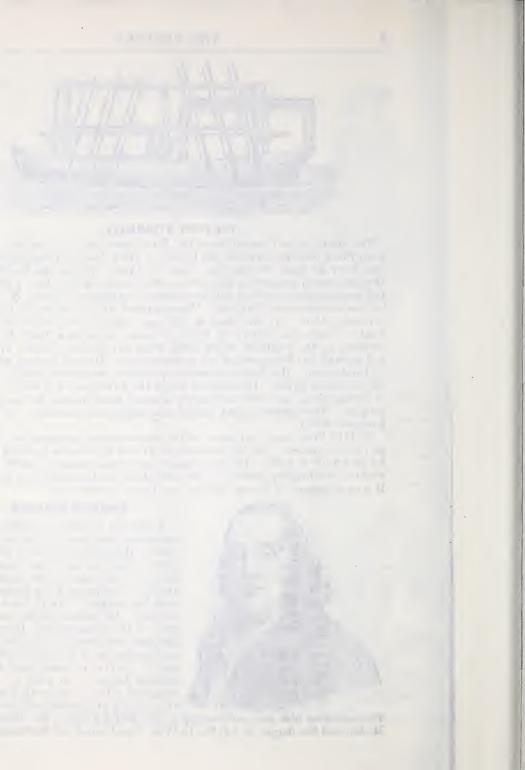
It was addressed "To my children and future generations."



BENJAMIN FRANKLIN.

Benjamin Franklin, philosopher and statesman, was born in Boston, Jan. 17, 1706. His father came from England in 1682. His mother was daughter of Peter Folger, the Quaker poet of Nantucket. He learned the printer's trade with his brother. At 17 went to Philadelphia. He became editor and proprietor of the Pennsylvania Gazette. As Richard Saunders he published an almanac known as "Poor Richard's Almanac." In 1731 he established the Philadelphia Library. In 1752 he made, by means of a kite, the great discovery of the identity of lightning with electricity.

This procured him the membership of the Royal Society, the Copley Gold Medal, and the degree of LL.D., in 1762, from Oxford and Edinburgh.





JOHN ADAMS

Was born in Quincy, Mass., October 1735. He was educated at Harvard, became a lawyer and an active republican politician in Boston. He was elected to Congress in 1774, and was one of the main advocates of the Declaration of Independence in 1776. He assisted in important negotiations abroad, and was the first Minister Plenipotentiary sent by the United States to Great Britain. He was elected Vice-President with Washington, and President in 1797. He died on the 4th of July, 1826.



SAMUEL ADAMS.

Among those who signed the Decaration of Independence, and were conspicuous in the revolution, there existed, of course, a great diversity of intellectual endowments; nor did any render to their country in these perilous days, the same important services. Like the luminaries of heaven, each controlled his portion of influence; but, like them, they differed as

star differs from star in glory. the constellation of great men which advanced that era, few shone with more brilliancy or exercised a more powerful influence than Samuel Adams. He was of Puritan descent, and was born in Quincy, Mass., Sept. 22, 1722, in the neighborhood afterwards rendered memorable as the birth-place of Hancock, and as the residence of the distinguished family which has given two presidents to the United States. He was a member of the first Congress, and during the whole struggle was one of the firmest supporters of the cause. He was governor of Massachusetts, and died in October, 1803.



GEN. JOSEPH WARREN.

Gen. Joseph Warren was born in Roxbury (Boston) in the year 1741. He was an ardent patriot, and gifted with eloquence. At the time of the battle of Bunker-Hill he was president of the Provincial Congress, and chairman of the Committee of Safety. He put some one in his chair at Watertown, where the legislature was in session, mounted his horse and came to encourage his fellow citizens in the He assumed no command. though he held a commission as Mai.-General, but fought in the ranks as a private soldier. He was the hero and the martyr of that day's glory. His death was felt as a calamity to the cause of the nation He was in the prime of his life, being only thirty-five years of age, with a spirit as bold and dauntless as ever was blazoned in







AMERICA STATE





THE BOSTON MASSACRE.

The following account of Warren's Address, on the anniversary of the Boston Massacre, is from the diary of an English officer.

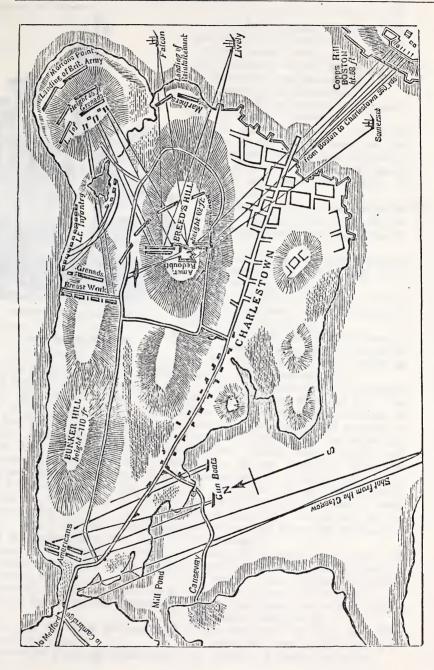
"March 6, 1775. This day an oration was delivered by Dr. Warren, a notorious Whig, at the great South meeting opposite the governor's house. It was in commemoration of what they term the "Massacre," on the 5th of March, 1770. It was known for some days that this was to be delivered. Accordingly a great number of officers assembled at it, when, after he had finished a most seditious inflammatory harangue, John Hancock stood up and made a short speech in the same strain, at the end of which some of the officers cried out "Fie! Fie!" which, being mistaken for the cry of fire, an alarm immediately ensued, which filled the people with such consternation that they were getting out as fast as they could from doors and windows. It was imagined that there would have been a riot, which, if there had, would in all probability have proved fatal to Hancock, Adams, Warren and the rest of those villains, as they were all up in the pulpit together, and the meeting was crowded with officers and seamen in such a manner that they could not have escaped. However it luckily did not turn out so; it would indeed have been a pity for them to have made their exit in that way, as I hope we shall have the pleasure before long of seeing them do it by the hands of the hangman."



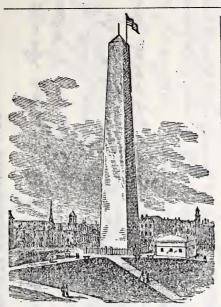


WARREN STATUE.









BUNKER HILL MONUMENT.

The Spirit of 1775.

A CENTENNIAL INCIDENT.

In 1775 John Howe, of Marlborough, a quiet farming town, was cobbling at a pair of shoes which he had promised should be done within an hour, when he heard that the British were marching to Concord. Being a man of his word, he kept at his work, notwithstanding the excitement, and the departure of his townsmen. He had just finished the job when Polly Smith, the young woman who kept the house where he boarded, ran into the shop.

'John! John!' she cried, with glowing cheeks and flashing eyes, 'you ought to have been off to Concord an hour ago. Every other man in the village has got

there by this time!'

"Twouldn't be any use for me to go, anyhow! I haven't got any bullets,' said John.

'Come into the house and run some, then,' replied Polly.

'O, I'll find something for you to make 'em of,' and Polly darted into the house.

Seizing every spoon on the dresser, she immediately returned to him.

'Here, take these,' she said, 'and if you want more I'll get 'em for you.'

In those days all the spoons in common

use were made of pewter.

John was soon supplied with balls. Taking his old gun, he started on the long walk of fourteen miles, through the woods, to Concord. Whenever he passed a house, the women and children all cheered him.

Reaching Concord, he found the British were just starting from what is now the Agricultural Grounds, on their retreat to Boston.

A wounded 'red-coat,' lying beside the road, begged John, as he passed by, to put an end to his misery.

'No,' said John, 'I ain't quite a brute, but I'll just change pieces with you, and leave you to the women.'

Exchanging his old gun for the enemy's new musket and ammunition, he joined in the pursuit, and did good service on the way to Charlestown Neck.

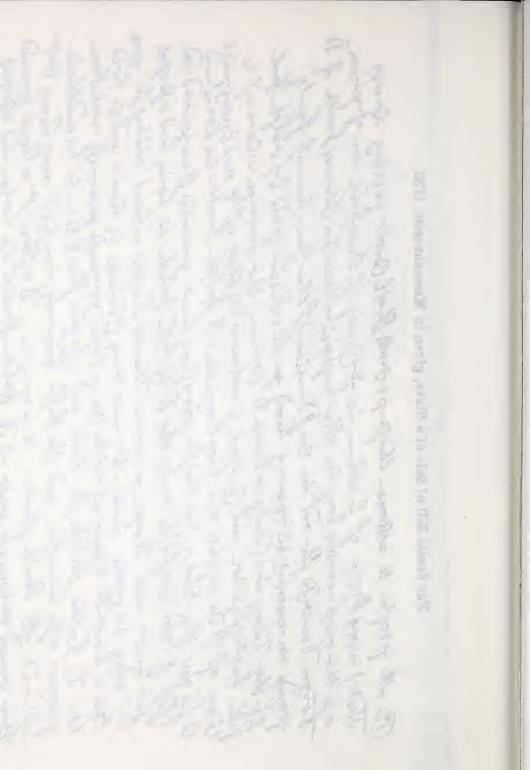
John Howe enlisted at Cambridge for the war, and fought at Bunker Hill. He was in most of our important battles of the seven-years' contest, and never came home until the British had sailed for England! Being hardy, faithful and zealous, he was frequently chosen by Washington for dangerous enterprises. He was one of the most useful men in the army, and on one occasion saved Washington's life. At the end of the war it was Col. Howe who returned to Marlborough.

Polly Smith, during these years, had been spinning, weaving and knitting for the soldiers. She was the first person Col. Howe sought. When, however, he returned her spoons, they were of silver, and marked 'Polly Howe.'

The descendants of John and Polly are among the most highly honored in 'I haven't got anything to make 'em of.' our country. [Youth's Companion.

Fac Simile Bill of Sale of a Slave, given in Massachusetts, 1726.

The bird most finds of Eachen in I Coupe of Sempleto in Aprime, of the med order of the supervised of the majorish of the supervised of the majorish of the supervised of the To all prope to assome they perpende that and greating founds of general anino Bonn 17.26/2



PROCLAMATION OF FREEDOM, 18

Now, therefore, I, Abraham Lincoln, I of the United States, by virtue of the me vested as Commander in Chief of t and Navy of the United States, in time armed rebellion against the authority a ternment of the United States, and as a necessary war measure for suppress rebellion, do, on this first day of Januar Year of our Lord one thousand eight and sixty-three, and in accordance a purpose so to do, publicly proclaimed full period of one hundred days

* * * * * By virtue of the pofor the purpose aforesaid, I do order and that all persons held as slaves with designated States and parts of States henceforward shall be free: and that the tive Government of the United States, if the Military and Naval Authorities the recognize and maintain the freedom persons.

And I hereby enjoin upon the peopl clared to be free to abstain from all unless in necessary self-defence; and mend to them that, in all cases when they labor faithfully for reasonable wage

And I further declare and make kno such persons, of suitable condition, wi ceived into the armed service of the States to garrison forts, positions, stat other places, and to man vessels of all said service.

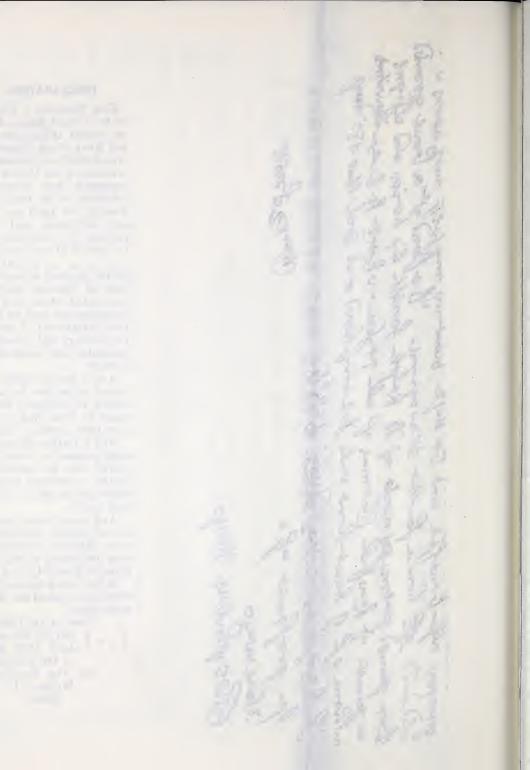
And upon this act, sincerely believed act of justice, warranted by the Con upon Military Necessity, I invoke the rate judgment of Mankind, and the favor of Almighty God.

In testimony whereof, I have hereunt name, and caused the seal of the Unite

to be affixed.

Done at the City of Washington

L. s. day of January, in the yea
Lord 1863, and of the inder
of the United States the 87th
By the President: Abraham
William H. Seward, Secre
State.



PROCLAMATION OF FREEDOM, 1863.

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander in Chief of the Army and Navy of the United States, in time of actual armed rebellion against the authority and Government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the Year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days

* * * * * By virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are and henceforward shall be free: and that the Executive Government of the United States, including the Military and Naval Authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons, of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon Military Necessity, I invoke the considerate judgment of Mankind, and the gracious favor of Almighty God.

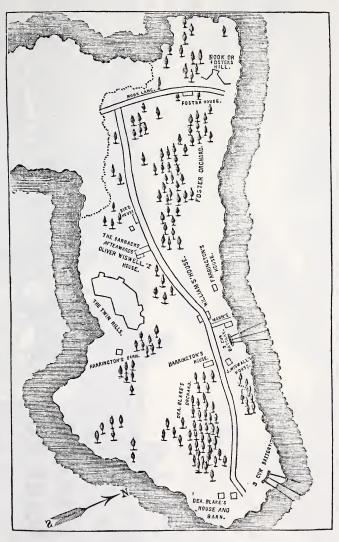
In testimony whereof, I have hereunto set my name, and caused the seal of the United States to be affixed.

Done at the City of Washington this 1st

L. S. day of January, in the year of our
Lord 1863, and of the independence
of the United States the 87th.

By the President: Abraham Lincoln. William II. Seward, Secretary of State.





PLAN OF DORCHESTER NECK (SOUTH BOSTON).

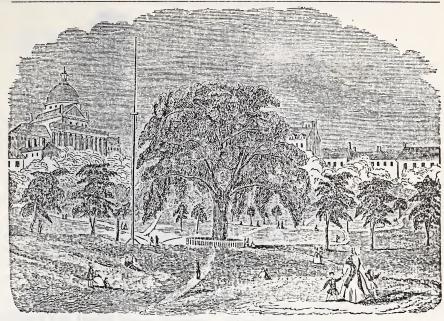
Drawn for the use of the British Army in 1775.





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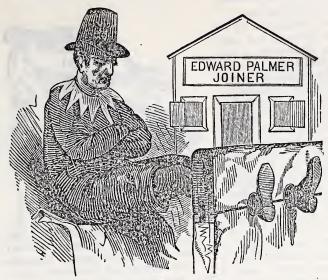
"THE OLD ELM" OF BOSTON COMMON.

On the evening of the 15th of February, 1876, the gale that swept over Boston brought destruction to a venerable landmark. Generation after generation has come to look on the old "Liberty Tree" with eyes of affectionate regard. The atmosphere around was pregnant with historic memories. Here the Quakers were flogged; there, on that great arm, the witches were hung; here the patriots met to whisper treason to foreign dominion. No wonder was it that thousands visited the spot for days after the gale to look upon the shattered trunk and carry away a relic.

The tree has been known as far back as tradition can go, and is represented as of considerable size upon the oldest map of the town known to exist, which was engraved in 1722. It is reasonable to believe that it was growing before the arrival of the first colonists. It was as handsome in form as large and venerable. Its branches spread out to a great distance, in regular, symmetrical form. More than half a century ago it was so noted for its beauty that a gold medal was offered and given to the artist who painted the best picture of it. Measurements in 1844 showed that the tree had not ceased to grow. In the summer of 1832 it was much injured by the violence of a storm, and its largest limbs were so much cleft asunder as to allow them to rest three branches upon the ground; but they were subsequently, at much cost and labor, restored to their former position and were sustained by iron bolts and braces. It was again dismembered by the gale of June, 1860, and its beauty was destroyed. The cavity in the trunk was filled with eight cart-loads of material.

"Great as it was in size, venerable as it was in years, beautiful as it was to the eyes, those who loved the Old Elm best, loved it because it was a dear old friend, which had shared their secrets, their loves, their joys and their sorrows. The antiquarian counts the rings of its limbs, and tells us with the fact of its age, that it was the only known relic of Boston in the seventeenth century; but the real mourner for the old Elm only remembers its grateful shade and its association with events in his own life."





Way of Justice in Old Time.

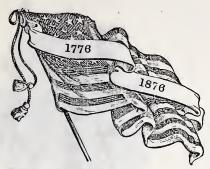
In May, 1631, the first Election was held in Massachusetts. Winthrop was chosen Governor and Dudley Deputy Governor. From this date the history of Boston is but a story of continued prosperity. In its internal domestic condition, however, many events occurred which strikingly illustrate the contrast between the way of doing things then and now. The cut above represents Edward Palmer, a citizen of Boston, in the stocks. He had been employed to build a pair of stocks for the use of the town. His price for the job, the City Fathers adjudged too high, and as a lesson to him, and as we suppose a warning to future contractors, Edward Palmer was sentenced "to the stocks one hour."

A HUNDRED YEARS AGO a good chance for speculation was offered as follows: "To be sold very cheap—a likely negro girl, fit for any one in the country, twelve years old, who can do any sort of business in the family, according to her age. Enquire of Edward Jarvis, at Salem. A good horse will be taken in part pay."

The Salem Gazette of July 9, 1776, had the following advertisements.

[&]quot;John White, Jr., has a negro woman to part with. Any person inclining to have her, may treat with him at his house in Salem."

[&]quot;Notice is hereby given to the public, that there is to be bound out in the country, by the selectmen of the town of Marblehead, a number of orphan children, male and female, for a term of years. Whosoever may want, by applying to said selectmen may know the conditions, who will be always ready to wait on them."



The Republic.

The Republic commenced in 1776, 100 years ago, with thirteen States and \$15,615 square miles of territory, then occupied by about 3,000,000 of civilized human beings. It has now a population of 43,000,000, who occupy thirty-seven States and nine Territories, which embrace more than 3,000,000 of square miles. 63,000 miles of railroad, more than sufficient to reach twice and a half around the globe. The value of its annual agricultural productions is \$2,500,000,000, and its gold mines are capable of producing \$70,000,000 a year! It has over 1,000 cotton factories, 580 daily newspapers, 4.300 weeklies, and 625 monthly publications.

Battles of the Revolution.

There were fifty-four battles fought during the War of the Revolution, though many of them were little more than skirmishes. The British Government sent to this war 134,000 soldiers and sailors, not including their The colonists resisted Indian allies. with 280,000 continentals and militia. Of this number Massachusetts furnished more than any other State. The battle at Savannah, Ga., was fought Dec. 29, 1778, and after that time down to the surrender of Cornwallis the war raged mostly in the South.

Memorial Hall, Art Gallery, Philadelphia.

Memorial Hall, which is to be used as an art gallery during the Exposition, and afterwards to be converted into a permanent gallery of art, and to stand as a lasting monument of the Great Centennial of 1876, is the most imposing of all the grand structures. It has been built by the city of Philadelphia and the State of Pennsylvania at a cost of 1,500,000 dollars, of the most durable material and entirely fire-proof. Its main hall is 365 feet long and 210 feet wide, and is the largest of its kind in the world. Its central dome rises to the height of 150 feet, capped by a colossal ball, on which stands the Goddess of Liberty. At each angle of the compass there is a large figure. These figures severally represent the four quarters of the Other statuary mark different points, and last but not least, sixteen large American eagles, with spreading wings and open beaks, are perched on various look-outs, seeming to say to all the world, "E pluribus unum." This fine building has a wall surface of 75,000 feet for hanging pictures, and a floor surface of 20,000 feet for statuary. The dome of the art gallery will be lighted by 2,000 gas jets, arranged in three circles. American artists will earnestly vie with those of the old world in bringing themselves to the fore-front in this contest, and thus remove a too prevalent impression that all the best specimens of art must come from foreign countries. This hall is the only really permanent structure on the ground, and when converted into its intended use will be open for new and permanent contributions of art for exhibition to the public. Aside from this noble design, it is intended as a grand stepping stone for the Centuries. While Independence Hall stands in its simplicity, marking the era of 1776, so Memorial Hall is to stand in its stately grandeur, marking the progressive spirit and wonderful achievements of 1876.



The Minute-man of the American Revolution—Who was he?

He was the old, the middle-aged, and the young. He was Capt. Miles, of Concord, who said that he went to battle as he went to church. He was Capt. Davis, of Acton, who reproved men for jesting on the march. He was Deacon Josiah Hanes, of Sudbury, 80 years old, who marched with his company to the South Bridge at Concord, then joined in the hot pursuit to Lexington, and fell as gloriously as Warren at Bunker. He was James Hayward of Acton, 22 years old, foremost in that deadly race from Concord to Charlestown, who raised his piece at the same moment with a British soldier, each exclaiming "You are a dead man!" The Briton dropped, shot through the heart. James Hayward fell mortally wounded. "Father," he said, "I started with forty balls; I have three left. I never did such a day's work before. Tell mother not to mourn too much: and tell her whom I love more than my mother that I am not sorry I turned out." This was the minuteman of the Revolution, the rural citizen trained in the common school, the church and the town-meeting, who carried a bayonet that thought, and whose gun, loaded with a principle, brought down not a man but a system.—GEO. W. CURTIS.

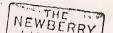


The Citizen-Soldier of the Republic.

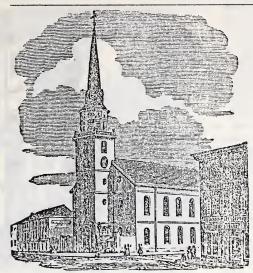
The citizen-soldier of the Republic in the civil war of '61 was the true and lineal descendant of the minuteman of the Revolution. The same blood was coursing in his veins. The same love of liberty was in his heart. The same consecration of self to an idea, a principle, that was no less sacred with the lapse of a hundred years. The thundering of cannon that shook the walls of Fort Sumter, breathed in one hour an inspiration as deep, and mighty, and terrible in the great heart of the American nation, as came to our fathers on that memorable 17th of June, when from Bunker Hill, there rolled a volley that made responsive echoes in the green hills of Vermont, and came back in distant re-echoes from the valleys of the Carolinas.

The citizen soldier of the Republic! His love of country was inspired by his love of liberty. He went forth with a chivalry as pure, with a courage as undaunted, with a faith as true, to do battle for humanity against despotism, for liberty against slavery, as if he had worn the Red cross of the old Crusaders on his breast, and counted the soldier's death the gateway to immortality.

REV. C. H. ROWE.







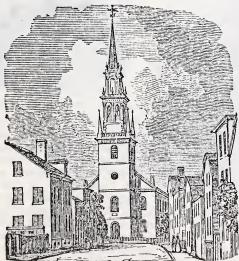
THE "OLD SOUTH."

The Old South Church has a history of more than two centuries. It was first organized at Charlestown, Mass., May 12, 1669. The first house was built of cedar, and stood for sixty years. April 26, 1730, it was taken down to give place to the present memorable structure. There are few buildings in America so intimately associated with the stirring events of revolutionary history as the Old South. It was one of the wellknown rallying-points of the patriots, as the following placard, among many more of a similar character would show: "Friends! Brethren! Countrymen! perfidious Arts of your restless enemies to render ineffectual the

resolutions of the body of the people demand your assembling at the Old South Meeting House, precisely at 2 o'clock this day, at which time the

bells will ring."

"Here was delivered in defiance of the threats of authority, and in presence of marshalled Soldiery, Warren's fearless oration on the anniversary of the 5th March, 1770. Here were repeatedly held the meetings of oppressed freemen which called forth those peals of patriotic eloquence which moved this whole country and shook the British throne."



CHRIST CHURCH.

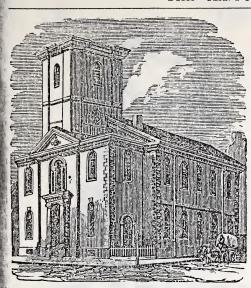
This Church is in Salem Street, on Copp's Hill. It was first open for service Dec. 20, 1723. The Society was organized Sept. 5, 1722.

In the great gale of 1804 the old steeple was blown over. Its fall demolished a house on Tileston Street. The present spire is 175 feet high. This Church has a peal of eight bells, on each one of which is an inscription. Three are as follows:—"We are the first ring of bells cast for the British Empire in North America, A. R. 1744." "Abel Rudball of Gloucester, cast us all, Anno 1744." "God preserve the

Church of England, 1744." The chandeliers were intended for a Romish Cathedral, but were captured from a Spanish vessel and brought to Boston.

Upon its tower were hung the lanterns that told Paul Revere of the movements of the British, and from the same Gen. Gage watched the battle of Bunker Hill and the burning of Charlestown.





BRATTLE-STREET CHURCH.

The Brattle-Street Church was built in 1772, and open for worship July 25, 1776. A small wooden house, as a place of worship, had stood on the same spot since 1698. Gov. Hancock gave the bell to persuade the Society to rebuild on the old site instead of on the corner of Hanover and Tremont Streets, which at that time was an open field. On the night before the evacuation of Boston by the British army, a cannon ball, thrown from the American camp, struck the tower of this Church. It was kept there until 1872, when the building was taken down to make room for stores.

Gen. Gage turned this old

Church into barracks for his soldiers.

Gen. Washington and Gen. Lafayette attended service here. Thatcher, Buckminster and Edward Everett are found on the list of pastors settled over this Church.



THE FIRST CHURCH IN BOSTON.

This little hut represents the first place of worship in Boston. It occupied the spot where now the Traveller Building stands, on State Street. This stood "about nine or ten years." In 1640 it was replaced by a larger

of

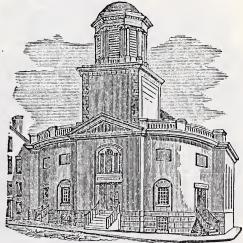
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THE SALEM-STREET CHURCH.

and better building. This building was of wood. It stood on the site now occupied by Joy's Building on Washington Street. It remained for seventy-one years, when it was destroyed by fire. In 1711 a second house, this time of brick, was built on the same site. This stood till 1808, when it was taken down. A new house had been made ready for the Church in Chauncy St., which was dedicated on the 21st of July of the same year. The Church is still in existence and occupies a building on Berkley Street.





JOHN HANCOCK.

John Hancock was born at Quincy, Mass., Jan. 12, 1737. After his father's death, he was educated at Harvard by his uncle, a wealthy merchant of Boston, in whose countingroom he was placed; and on his uncle's death he inherited his large fortune. He was an early, earnest and active patriot. As member of the Provincial Legislature, from 1766, he warmly opposed the measures of the British ministry, and was one of the two persons exempted from pardon in Gov. Gage's proclamation of June 12, 1775. His oration of March 5, 1774, commemorating the Boston Massacre, was bold and powerful, and is thought to have been his master-piece of elo-

quence. He was elected president of the Continental Congress in 1775, and occupied the chair when the great declaration was adopted. In 1778 he was appointed first Maj.-Gen. of the Mass. militia. He was many years governor of Massachusetts, and died in October, 1793.



THE HANCOCK HOUSE.

This famous old Mansion House stood on Beacon Hill, a short distance from the State-House. It was taken down in 1863. It was the last relic of olden time on Beacon Street that held its ground against the march of modren improvement. The site for the State-House was purchased from Gov. Hancock's estate, and is termed in the deed, "Gov. Hancock's pasture."



The Presidents of the Century.

The following table prepared for reference, shows the political sentiments and the date of the inauguration of each President, the length of time he lived after that event, and his age at the time of his death:

1.—George Washington, Independent, inaugurated 1789; lived 10 years;

ige, 67.

2.—John Adams, Independent, inaugurated 1797; lived 29 years; age, 90.

3.—Thomas Jefferson, Democrat, inaugurated 1801; lived 25 years; age, 83. 4.—James Madison, Democrat. inaugurated 1809; lived 27 years; age, 85.

5.—James Monroe, Democrat, inaugurated 1817; lived 14 years; age, 73.

6.—John Q. Adams, Whig, inaugurated 1825; lived 23 years; age, 81.

7.—Andrew Jackson, Democrat, inaugurated 1829; lived 16 years; age, 78. 8.—Martin Van Buren, Democrat, in-

augurated 1837; lived 25 years; age, 80. 9.—W. H. Harrison, Whig, inaugurated 1841; lived 1 month; age, 68.

10.—John Tyler, V. P., Independent, inaugurated 1841; lived 31 years; age, 72.

11.—James K. Polk, Democrat, inaugurated 1845; lived 4 years; age 54. 12.—Zachary Taylor, Whig, inaugu-

rated 1849; lived 16 months; age, 66. 13.—Millard Fillmore, V. P., Independent, inaugurated 1850; lived 24

years; age, 74.

14—Franklin Pierce, Democrat, inaugurated 1853; lived 16 years; age, 65. 15.—James Buchanan, Democrat, inaugurated 1857; lived 11 years; age, 77.

16.—Abraham Lincoln, Republican, inaugurated 1861; lived 4 years and 11 months; age, 56.

17.—Andrew Johnson, V. P., Independent, inaugurated 1865; lived 10 years; age, 67.

18.—Ulysses S. Grant, Republican,

inaugurated 1869.

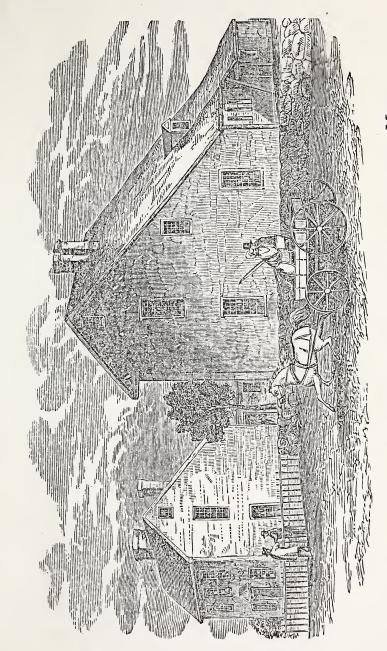
of odTyler and Fillmore were elected Vice-Presidents as Whigs, and Johnson as a Republican. Their "independence" followed their inauguration as President.

Governors of Massachusetts.

The following is a list of all the Governors of Massachusetts since the adoption of the Constitution:

| John Hancock, | from | 1780 to 1785. |
|--------------------|------|---------------|
| James Bowdoin, | " | 1785 to 1787. |
| John Hancock, | " | 1787 to 1793. |
| Samuel Adams, | " | 1794 to 1797. |
| Increase Sumner, | " | 1797 to 1799. |
| Caleb Strong, | " | 1800 to 1807. |
| James Sullivan, | " | 1807 to 1808. |
| Christopher Gore, | " | 1809 to 1810. |
| Elbridge Gerry, | " | 1810 to 1812. |
| Caleb Strong, | " | 1812 to 1816. |
| John Brooks, | " | 1816 to 1823. |
| William Eustis, | " | 1823 to 1825. |
| Levi Lincoln, | " | 1825 to 1834. |
| John Davis, | " | 1834 to 1836. |
| Edward Everett, | " | 1836 to 1840. |
| Marcus Morton, | " | 1840 to 1841. |
| John Davis, | " | 1841 to 1843. |
| Marcus Morton, | " | 1843 to 1844. |
| George N. Briggs, | " | |
| George S. Boutwell | | 1844 to 1851. |
| John H. Clifford, | , | 1851 to 1853. |
| | " | 1853 to 1854. |
| Emory Washburn, | " | 1854 to 1855. |
| Henry J. Gardner, | | 1855 to 1858. |
| Nathaniel P. Banks | | 1858 to 1861. |
| John A. Andrew, | " | 1861 to 1865. |
| Alex. II. Bullock, | 4.6 | 1865 to 1869. |
| William Claflin, | " | 1869 to 1872. |
| Wm. B. Washburn | , | 1872 to 1874. |
| Thomas Talbot, | " | 1874 to 1875. |
| William Gaston, | " | 1875 to 1876. |
| Alexander H. Rice, | " | 1876 to ——. |

It is a striking fact that three of our Ex-Vice-Presidents, Aaron Burr, J. C. Calhoun and J. C. Breckenridge, became each in his day, a leader in treason.



The Early Home of John Adams, Quincy, Mass.

F844.542







